

---

## Appeal Decisions

Site visit made on 3 May 2016

**by J Flack BA Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 May 2016**

---

### **Appeal A: APP/J1535/W/15/3140240**

#### **Orchard Cottage, Greensted Hall, Church Lane, Ongar, Essex CM5 9LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Gary Brazowski against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/1628/15, dated 11 July 2015, was refused by notice dated 5 October 2015.
  - The development proposed is single storey rear extension and alterations.
- 

### **Appeal B: APP/J1535/Y/15/3140254**

#### **Orchard Cottage, Greensted Hall, Church Lane, Ongar, Essex CM5 9LD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Gary Brazowski against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/1721/15 LB, dated 11 July 2015, was refused by notice dated 7 October 2015.
  - The works proposed are single storey rear extension and alterations.
- 

### **Decision**

1. **Appeal A:** the appeal is dismissed.
2. **Appeal B:** the appeal is dismissed.

### **Main Issues**

3. The main issues in this case are:
    - whether the proposed works and development would preserve the Grade II\* listed building known as Greensted Hall or any features of special architectural or historic interest that it possesses, or the setting of this building and other adjacent listed buildings;
    - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
    - the effect of the proposal on the openness of the Green Belt.
-

## Reasons

### *Preservation of Greensted Hall and settings of this and other listed buildings*

4. Greensted Hall is the principal building amongst a cluster of buildings, several of them listed, set around a private drive and surrounded by open countryside. The history of these buildings as the core of a country estate of considerable status is easily read. The list description for the Hall records that it is probably a mediaeval hall core with extensive c.1700 rebuilding. The results of these works are most obviously apparent in the brick south and east facades, the remaining facades being characterised by a painted render finish and a generally plainer design. The Hall and its immediate curtilage were subdivided some decades ago into a small number of dwellings, and this limited the extent of my inspection of the Hall. However, from what I was able to see, together with the photographs and other evidence before me, it is clear that this is a very substantial and impressive building of considerable architectural and historic importance, as is reflected in the high grade of its listing. This is accorded to only a small proportion of listed buildings, and demands a careful and exacting approach to assessment of proposed works.
5. The subject of the proposed works at appeal is a small part of the Hall known as Orchard Cottage (the Cottage), located at the Hall's north west corner. It is a narrow, single storey, L shaped structure which connects with the north elevation of the Hall's main body, a small courtyard lying between the two. Closely adjacent to the Cottage to the west, separated from it by a small area of hardstanding, is the Brewhouse, a modest two storey timber framed building, now in use as a dwelling, which is Grade II listed. To the north of the hardstanding is a long flat roofed modern garage.
6. The evidence before me is that Orchard Cottage was constructed in the late 1940s as a laundry block and oil store. During the 1960s it was converted to a dwelling, initially to house a retired servant, an internal access between the Cottage and the main body of the Hall being blocked off at this time. The Cottage's painted render finish and simple tiled roof are consonant with the adjoining parts of the Hall's main body, but it is not a structure which possesses any architectural merit in itself. However, it holds modest historical value in illustrating the evolution of the Hall's service operations during the C20. Moreover, its utilitarian design and very small scale ensure that it continues to read as a subordinate and modest modern addition which clearly displays its service origins and does not seek to compete for attention with the main body of the Hall or the adjacent Brewhouse. It also serves to reinforce and assist in making legible the historical and architectural hierarchy of the Hall as a whole, being located on the opposite side of the Hall to the principal entrance front and alongside elements of the Hall and nearby buildings which originally had a service function.
7. The proposal would comprise a substantial single storey extension. It would have a depth greater than the current northern element of the Cottage and would project from almost the whole width of the northern elevation. There would be alterations to that elevation to block some existing openings and create new ones, together with alterations to internal walls. I saw that various internal works have already been carried out, including the removal of many partition walls and the removal of ceilings, but my assessment is limited to the merits of what is proposed at appeal. Although the works to the fabric of the cottage would be extensive, I do not consider that they would be materially

- harmful to the listed building given that they would not involve the loss of historic fabric or important architectural features.
8. However, in other respects the proposal would not be satisfactory. The existing roof height would be retained, but that would be achieved through the use of a crown roof design with a large area of flat roof. This would give the roof an awkwardly truncated appearance and the design would in any case be an incongruously jarring feature in the context of the Hall. Moreover, the substantial footprint of the extension would result in it having considerable bulk in relation to the existing Cottage, unacceptably diminishing the distinctively subordinate and functional service character of the Cottage. It would render less apparent the role of the Cottage in the evolution of the Hall, and diminish its contribution to the legibility of the Hall's hierarchy.
  9. The extension would occupy part of what is at present the garden area of the Cottage. This has something of the character of an orchard and thus has some consonance with the functional service character of the cottage and adjacent building elements. However, the garden is quite large and a large proportion of it would remain. The proposal would thus not cause material harm to the setting of the Hall. Moreover, whilst there are other listed building within the estate complex in addition to the Brewhouse, their distance from the Cottage is such that the proposal would not materially harm their setting. However, the Brewhouse is positioned very close to the Cottage, and whilst it is of two storeys, it has a very modest footprint. The extended Cottage would unacceptably compete for attention with the Brewhouse, and diminish appreciation of the Brewhouse's status as an important early survivor of the service buildings of the Hall. I consider therefore that the proposal would be harmful to the setting of the Brewhouse.
  10. I saw on my visit that although there is a public footpath which passes along the side of the Greensted Hall complex of buildings, it is bordered by high vegetation. Even when this is not in leaf, it seems to me highly unlikely that there would be views of the proposed extension from the footpath. There would be no other public views, given that access to the Cottage and Greensted Hall is along a private drive. However, this does not materially mitigate the harmful impacts of the proposal which I have identified. Listed buildings are designated, and their settings to be assessed, in the context of their inherent qualities and not the extent to which these can currently be experienced or appreciated by the public.
  11. For the above reasons, I conclude that the proposal would not preserve the special architectural and historical interest of Greensted Hall, nor would it preserve the setting of the Brewhouse. These are matters to which I am required to have special regard by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). For the same reasons, the proposal would be contrary to policy HC10 of the Local Plan<sup>1</sup>, which rejects works to a listed building which could detract from its historic interest or architectural character and appearance.
  12. For the purposes of the Framework, the Hall and the Brewhouse are designated heritage assets. Within their overall context, I consider that the proposal would lead to less than substantial harm to their significance. Paragraph 134 of the Framework requires that such harm be weighed against the public benefits of

---

<sup>1</sup> Epping Forest District Adopted Local Plan, January 1998

the proposal. However, that is to be undertaken in the light of paragraph 132's requirement that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

13. The Cottage is in a dilapidated condition and it is important that a viable use be found for it. The proposal would enable it to be provided as a dwelling. Interested parties have questioned whether the Cottage can lawfully be used as a separate dwelling, but it would not be appropriate for me to seek to resolve this question, as my assessment is limited to the operational development and works comprised in the proposal before me. However, even assuming that the matter were to be resolved in the appellant's favour, and noting the limitations on internal layout that result from the narrow depth of the Cottage, I am not convinced that such a substantial extension is the minimum necessary to secure a viable dwelling. I note that that the appellant has not sought to demonstrate this or to challenge the views expressed in an estate agent's letter submitted by interested parties that a one bedroom dwelling would be in demand.
14. The Act requires that considerable importance and weight are to be given to the desirability of preserving listed buildings and their settings. I conclude that the public benefits of the proposal would be modest and do not outweigh the material harm which would be caused to the designated heritage assets. It follows that the proposal would be contrary to the historic environment policies of the Framework.

*Whether the proposal would be inappropriate development in the Green Belt*

15. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 provides that the construction of new buildings should be regarded as inappropriate development. However, that is subject to a number of exceptions, which include the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.
16. The Framework does not provide guidance as to how this exception is to be applied where, as here, the subject building is a part of a larger building. However, it does define 'original building' as being the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. That definition is an important element of the comparison to be made. The evidence before me is that at the relevant date, the Cottage was physically and functionally an integral part of Greensted Hall. I consider therefore that the exception should be applied on the basis that the 'building' is Greensted Hall as a whole. In that context, the proposed extension would not be disproportionate in relation to the size of the original building.
17. I conclude therefore that the proposal would not amount to inappropriate development of for the purposes of the Framework. The proposal would also not be contrary to Policy GB2A of the Local Plan Alterations, given that this permits limited extensions to existing dwellings, and its additional requirement of accordant with policy GB14A no longer applies, given that this policy no longer forms part of the development plan.

*Effect on openness*

18. For the purposes of the objectives of the Green Belt, openness is to be regarded as the absence of built development, and the proposed extension would thus inevitably have some effect on openness. However, I have concluded that it would not amount to a disproportionate addition to the original building. It follows that the effect on openness would be very limited and the proposal would not result in material harm to the Green Belt.

*Other matters*

19. Interested parties have raised other concerns about the proposal, but I am not convinced that these would be so substantial as to count significantly against the proposal. In particular, whilst the extension would result in an increase in the number of occupiers of the Cottage, there is no clear demonstration that this would result in unacceptable drainage problems. Nor would the additional vehicle movements be likely to be so great as to cause significant detriment to the safety and convenience of users of the access drive, and although the garage would not be suitable for wider modern vehicles, it would nevertheless provide an adequate level of parking provision in conjunction with the area of hardstanding.

*Conclusions*

20. I have concluded above that the proposal would not preserve the special architectural and historical interest of Greensted Hall, nor would it preserve the setting of the Brewhouse. This conclusion is not outweighed by the public benefits of the proposal, nor by my findings that the proposal would not be materially harmful in the other respects I have identified, and the proposal would thus not be in overall accordance with the development plan or the Framework. The appeals are therefore dismissed.

*J Flack*

INSPECTOR