

Appeal Decision

Site visit made on 9 February 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/E9505/W/16/3163872

Gunton Lodge, Broadview Road, Lowestoft NR32 3PL

- 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 Crisp against the decision of The Broads Planning Authority.
 - The application Ref BA/2016/0276/FUL, dated 22 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is a detached four bedroom single storey dwelling, with car parking. Demolition of existing garage and construction of a new detached double garage for the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Oulton Broad Conservation Area including its effect on the setting of Gunton Lodge;
 - the effect of the proposed development on trees.

Reasons

Conservation Area

3. The appeal site is within the Oulton Broad Conservation Area (CA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 132 of the National Planning Policy Framework (the Framework) makes clear that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 4. The appeal site comprises a substantial detached dwelling and detached garage in a residential area mainly comprising large detached dwellings of a variety of styles set in large well landscaped plots with front gardens and space between the buildings.
 5. The appeal dwelling and other properties on the south side of Broadview Road back onto Oulton Broad and sit slightly elevated from it. The relatively open
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waters edge and elevated positioning mean Gunton Lodge and other dwellings on the south side of Broadview Road are widely visible from the expanse of open water of Oulton Broad.

6. The draft Oulton Broad Conservation Area Appraisal identifies Gunton Lodge as one of a number of unlisted buildings which make a positive contribution to the character of the CA. It is a substantial two and a half storey traditional dwelling constructed from mainly red brick with stone cills and lintels. Although later additions, it has a striking traditional turret and an attractive traditional conservatory with a first floor terrace on its elevation facing Oulton Broad.
7. The proposed dwelling would be clad in timber with its roof covered in sedum in an attempt to mimic boathouses in the area and assist the development to blend into its verdant setting. However, even though single storey, the proposed dwelling would be substantial. It would be squeezed into a long and narrow plot and prominently positioned at the head of Broadview Road alongside a new relatively large detached double garage of similar appearance.
8. The highly modern appearance of both buildings and the expanse of new timber cladding would draw attention to two buildings that would appear in stark contrast with the traditional character of Gunton Lodge. Whilst I acknowledge there are other modern buildings of a similar finish nearby, in my view when viewed next to Gunton Lodge, the proposed buildings would be incongruous and highly prominent features of the Broadview Road street scene.
9. Furthermore, in place of the relatively modest garage, the proposal would introduce a significant bulk of development around Gunton Lodge which together with the removal of substantial areas of planting would give an overall stark and cramped appearance which would be harmful to the setting of Gunton Lodge and the character and appearance of the CA.
10. For these reasons, the proposal would fail to preserve the character or appearance of the CA, contrary to the provisions of the respective sections of the Act. Moreover, the proposal would also fail to accord with paragraph 132 of the Framework, which attaches great weight to the conservation of designated heritage assets and their settings.
11. For the same reasons the proposed development is therefore in conflict with the statutory requirements, the development plan and the Framework. It would specifically conflict with development plan Policies CS1 and CS5 of the Broad Authority Core Strategy 2007-2021 Development Plan Document (2007) (CS) and Policies DP4 and DP5 of the Broads Authority Development Management Policies 2011-2021 (2011) (DMP). These policies, taken together, aim to ensure good design and that new development does not harm heritage assets.
12. That said, in the context of the significance of the heritage assets as a whole, the appeal site would only represent a relatively small proportion of the CA and other than the loss of space adjacent to Gunton Lodge the significant features of the CA and the unlisted building which makes a positive contribution to the character of the CA would remain. Thus, I would calibrate the harm arising from the proposed development, in accordance with paragraphs 133 and 134 of the Framework, as less than substantial. In these circumstances, the

Framework requires the degree of harm to be balanced against any public benefits the development may bring.

13. There would indeed be some benefits, such as one more dwelling, thus contributing to the housing supply in the area. The occupants might work locally and support local services and there may also be employment opportunities associated with building the development. However, these benefits, though they may be accepted as public, are modest, and do not outweigh the harm identified to the heritage assets. Nor would they outweigh the conflict of the proposals with the provisions of the respective sections of the Act requiring that special regard and attention being given to the desirability of the preservation of the CA, which, the Courts advise, should be accorded considerable importance and weight.

Trees

14. There are a number of trees outside of the appeal site but close to and extending along the shared boundary with the neighbouring properties to the west. I acknowledge that these trees are not protected by a tree preservation order. However, they are relatively mature and tall and add to the verdant character of the wider area.
15. The proposed dwelling would be relatively close to these trees and its construction would involve work within root protection areas and require some canopy and root pruning.
16. However, only a relatively small proportion of the root protection zone would be impinged. On the basis of the evidence contained within the Arboricultural implications Assessment and Preliminary Method Statement and subject to the imposition of appropriate planning conditions which require this work to be undertaken sensitively, I am satisfied that the proposed development could be undertaken without significantly harming trees nearby. Nonetheless as I am dismissing the appeal for other reasons I have not considered this matter any further.
17. I have also noted the Council's concerns with regard to the implications of the trees on the living conditions of future occupants with particular regard to light. However, the proposed dwelling would be served by a significant number of natural light sources. Furthermore, two of the bedrooms and the main living areas would be lit by large openings to the north and south respectively. I am therefore satisfied that natural light within the dwelling would be such that there would be no significant threat to the removal of the trees. In any event, any application for consent for their removal would need to be considered on its merits.
18. Thus, subject to the imposition of appropriate planning conditions, I find the proposed development would not be harmful to trees. Therefore, in this regard it would accord with Policy DP2 of the DMP which seeks to avoid harmful effects on trees and harmful effects associated with the removal of trees.

Other Matters

19. I acknowledge that the appellant has spent considerable time and money on improving the appearance of Gunton Lodge over the last 10 years from when it was purchased and that overall it appears well maintained and in good order. I

also acknowledge the appellants desire for a modern development. However, these matters or any others raised do not outweigh the harm I have identified.

Conclusion

20. For the reasons given above and with regard to all other matters raised, I conclude that on balance the proposal would not accord with the development plan, the statutory duty or the Framework. Thus, the appeal should be dismissed.

L Fleming

INSPECTOR