
Appeal Decision

Site visit made on 31 January 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/E3525/W/16/3161988

Rose and Crown, Bury Road, Stanton IP31 2BZ

- 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 M & D Developments against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/16/1741/FUL, dated 8 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is construction of new detached two storey dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be the effect of the proposal on the setting of the Grade II listed public house and whether the proposal would provide adequate amenity space for future occupants.

Background/Procedural Matters

3. Although the Council's decision notice refers to policy DM15 of the Joint Development Management Policies Document 2015 (DMPD), the submitted policy refers to safeguarding from hazards rather than listed buildings, and therefore is not relevant to the appeal proposal.
4. The appeal site comprises part of the curtilage of the former Rose and Crown former public house, a Grade II listed building. Planning permission was granted in 2015 for the change of use of the public house and two out-buildings to three houses and listed building consent was also granted for the demolition of modern extensions to it.
5. Subsequently planning permission was granted at appeal in 2016¹ for 9 dwellings within the curtilage of the former public house. The proposal included the provision of 3 affordable dwellings which were secured by way of a planning obligation. At the time of my visit neither permission had been implemented. Therefore whilst the previous planning permissions are a material consideration, I have assessed the proposal on its individual merits.

¹ Ref: APP/E3525/W/16/3147831

Reasons

Setting of the Listed Building

6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting.
7. The public house is an early C19 building and has a history as a roadside inn. It is a brick built thatched roof building with an unusual and attractive semi-circular overhang to the colour washed front elevation supported on timber posts. The significance of the building derives from its architectural and historic interest as an example of a C19 Suffolk roadside inn and also, despite its neglected appearance, as a landmark building on a major county route. The open nature of the frontage and the lay-by to the front of the building contribute to its setting and the understanding of the building as a former road side inn whilst the open land surrounding it references its rural setting.
8. The former public house is located within a group of buildings which include Stanton Service Station to the south of the appeal site. Roseway, a detached dwelling, adjoins the public house to the north. Although it is situated forward of the building line of the public house, it does not adversely impact on its setting due to its scale, period and architecture. There is a further petrol station a short distance to the north. The land on the opposite side of Bury Road comprises open agricultural fields. The informal arrangement of the buildings and the surrounding open land serve to emphasise the rural setting of the appeal site and listed building.
9. The appeal proposal is for a detached dwelling. It would occupy an area identified as a communal garden in the previously permitted scheme for 9 houses. It would be set behind the rear building line of the two storey part of the public house building and would be about 27 metres distance from the southern elevation of the listed building. Although it is described as 1.5 storeys high, it would be a substantial building with a prominent roof form. It would face away from the road, towards the previously approved development and would include a turning head and two parking spaces.
10. The Council state that the purpose of the communal garden under the previous scheme was to safeguard the open rural setting of the public house and thereby retain the open setting of the building.
11. At the present time, the main views of the listed building are from the south. Due to the absence of footpaths and the speed of the traffic, such views would tend to be experienced by motorists rather than pedestrians. In views from this direction the two storey part of the existing building is visible, along with the roof of the single storey part, with trees beyond. When seen together with the open fields on the opposite side of the road these views contribute to the rural setting of the building. Although the proposed dwelling would not sit forward of the original two storey part of the public house, it would obscure views of the single storey element and the open character of the rural landscape beyond. There would also be views from the opposite side of Bury Road from where the proposed dwelling would encroach on the rural setting of

the listed building. Should the previously permitted scheme be implemented there would also be views from within the site. In these views I consider the proposal would significantly detract from the setting of the listed building.

12. The submitted plans appear to show the loss of the lay-by to the front of the listed building. I am aware that this arrangement is similar to that previously permitted, nonetheless the loss of the lay-by would dilute the significance of the listed building as a roadside inn.
13. The appellant suggests that the proposal would be a well-designed house, and would match those already permitted around the listed building, and would thus complete the group of buildings and enhance its setting of the listed building. Whilst the proposed dwelling may complement those previously permitted in terms of scale, size and appearance, it would encroach upon the setting of the listed building. For the reasons given above, I conclude that the proposal would significantly harm the setting of the listed building.

Amenity Space

14. The principle amenity space for the proposed dwelling is located between the rear of the dwelling and Bury Road. Bury Road is a busy road with a 40 mph speed limit. The traffic is constant and intrusive. The appellant states that the amenity area is not confined to the rear of the dwelling, but extends all around it. I appreciate that there is a sizeable area of land to the south of the proposed dwelling, but this adjoins a service station. The living room and kitchen are located to the rear of the dwelling and both have doors onto the rear garden. I therefore consider that the garden area to the rear would be the primary amenity area for future occupants. Insufficient information has been submitted to enable me to conclude that noise levels within the rear garden would be within acceptable limits so as to provide satisfactory amenity space for future occupants. Therefore the proposal would be contrary to policy DM2 of the DMDP which amongst other matters seeks to ensure that proposals provide an acceptable standard of amenity.

Conclusion

15. The proposal would harm the setting of the listed building. Whilst the harm would be less than substantial, paragraph 134 of the National Planning Policy Framework requires any harm to be weighed against the public benefits of the proposal. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. In the case of the appeal proposal, the provision of a single dwelling would not outweigh the harm to the setting of the listed building arising from the proposal.
16. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR