
Appeal Decision

Site visit made on 22 August 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 24 August 2017

Appeal Ref: APP/F2605/W/17/3173251

The Vicarage, White Cross Road, Swaffham PE37 7QY

- 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 Michael Marshall, Diocese of Norwich against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0957/F, dated 2 August 2016, was refused by notice dated 1 December 2016.
 - The development proposed is new single dwelling within the grounds of the existing vicarage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the Swaffham Conservation Area (CA);
 - The living conditions of occupiers of the Vicarage; and,
 - The future health and longevity of existing trees.

Reasons

Character and appearance

3. The appeal site sits within the former garden area of a period Rectory which is a large detached dwelling set well back from White Cross Road, and screened from it by mature trees. The Rectory plot has been subdivided to allow the building of a new Vicarage towards the rear of the site, and two modest bungalows fronting White Cross Road.
4. The development would comprise a dwelling situated on what is currently maintained amenity land fronting the Vicarage and abutting the rear plot boundary of the bungalows.
5. The CA designation extends across a large part of Swaffham's town centre and includes areas of diverse style and varied building pattern. Limited information has been provided by the main parties in respect of the CA or the significance of the appeal site within it. However, I noted that the spacing of

recent development within the former Rectory garden, together with the retention of mature trees, has resulted in a distinctive and spacious sylvan character. This is reflective of the Rectory's original setting and the former garden is a distinctive feature within the wider CA. The appeal site makes a significant contribution to the current openness within the former garden site, as it provides the separation between recently built dwellings and contains mature trees.

6. Moreover, the bungalows have low pitched roofs which ensures they do not intrude into the setting of the Rectory. Although the current Vicarage is more prominent, it is of modest proportion and its generous plot ensures it does not unduly detract from the former Rectory garden area.
7. The development would be a chalet bungalow of simple and basic design, and a rather squat appearance. In scale, proportion and articulation it would be unreflective of either the bungalows to its south or the Vicarage to the north.
8. The chalet bungalow would also have limited lateral separation from its neighbours and its plot boundaries, which would be out of keeping with the current building pattern, and as such it would appear cramped within its plot. It would also significantly intrude into the openness between the existing Vicarage and the bungalows. Consequently, I disagree with the appellant that the development would reflect the open nature of the site, or would complement the form or layout of nearby buildings.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 134 of the Framework states that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal. In this instance, the harm to the CA would be less than substantial, but no argument has been advanced that the development's public benefits would outweigh the harm to the character or appearance of the CA.
10. In the light of the above, I conclude that the development would significantly detract from the character and appearance of the CA. This would be contrary to the provisions of both the Act and the Framework which seek to conserve and enhance the historic environment. It would also be contrary to Policy DC17 of the Local Plan¹ (LP) which expects new development to preserve and enhance the character, appearance and setting of CAs, and LP Policy DC16 which requires development to achieve the highest standards of design amongst other issues.

Living Conditions

11. The development would have a front to back relationship to the Vicarage. The first floor window on the north elevation would be about 15 metres from the Vicarage's frontage and would cause a loss of privacy for occupiers of the Vicarage and their visitors from overlooking.
12. The appellant argues that the proposed tree planting on the site's northern boundary would provide screening. However, the trees would be planted

¹ Breckland District Council, Core Strategy and Development Control Policies, Development Plan Document, adopted December 2009

some 2 – 3 metres from the development and apart from the questionable practice of planting trees so close to a new dwelling, they would prevent light ingress and would be unlikely to be allowed to grow to sufficient height to provide any screening. As such, I give this argument little weight.

13. Accordingly, I conclude that the development would be detrimental to the living conditions of occupiers of the Vicarage. This would be contrary to LP Policy DC1 which does not permit development that would have an unacceptable impact on the residential amenity of neighbouring occupants.

Health and longevity of trees

14. There is insufficient evidence to assess the effect of the development on the mature trees on the site. It is apparent that the development would require the removal of some existing trees which currently provide a buffer and visual screen between the site and the bungalows. These trees also make a positive contribution to the Rectory site's garden character.
15. In addition, the proximity of existing trees to the dwelling's eastern elevation would be likely to result in pressure being brought to bear to allow their removal to avoid excessive overshadowing and loss of diffused daylight for future occupiers of the development.
16. Furthermore, the appellant has not provided detailed survey information to enable assessment of the existing trees or proposed mitigation measures during construction. I appreciate that additional tree planting is proposed to offset those removed, but given the limited space available, I am not satisfied that there would be space for new trees to reach their mature dimensions. Consequently, I am unable to conclude that the development would not result in the loss or deterioration of important natural features, including protected trees, which would be contrary to LP Policy DC12.

Other matters

17. A single storey dwelling on the site was previously approved but the permission has expired. Consequently, this carries no weight as a fall-back scheme. The fact that this dwelling had a larger footprint than the appeal before me is not determinative, as I have to determine the appeal before me.
18. The appellant argues that if the effects of overlooking are considered sufficient to warrant dismissal of the appeal, the first floor window on the northern gable could be replaced with a dormer on the western elevation. However, this would be a significant change from the application. As neither the Council nor interested parties have had an opportunity to comment on this suggested amendment, I am unable to give it any consideration.
19. I appreciate that the development would use materials similar to those used in buildings nearby, but that is not determinative to my reasoning.

Other matters

20. Interested parties have raised concerns in respect of access, road safety and amenity space. However, as I have found harm in respect of the main issues it is not necessary for me to consider these further.

Conclusion

21. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and national policies in relation to heritage assets, and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR