
Appeal Decision

Site visit made on 15 November 2017

by C J Anstey BA (Hons) DipTP DipLA MRTPI

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

Decision date: 20th December 2017.

Appeal Ref: APP/F2605/W/17/3180348

Smiths Commercials, 4a Brandon Road, Thetford, IP24 3PN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wayne Smith against the decision of Breckland District Council.
 - The application Ref 3PL/2017/0338/O, dated 14 March 2017, was refused by notice dated 31 May 2017.
 - The development proposed is residential development – 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This outline application involves the construction of 4 dwellings (3 houses and 1 bungalow) on the site of an existing commercial garage.
3. The appeal site lies close to the scheduled monument known as the 'Priory of the Canons of the Holy Sepulchre and part of Saxon town.' This Augustinian priory was founded in 1140 and dissolved in 1536. The monument survives in good condition with an impressive section of upstanding remains, including the ruined nave of the priory church. The ruins are also listed as Grade I.

Main Issues

4. The main issues in this case are:
 - (i) the impact on the significance of the remains of the Priory of the Canons of the Holy Sepulchre, which is a Scheduled Monument and Grade I listed building, having regard to its setting;
 - (ii) the impact on the living conditions of neighbours, with particular regard to privacy; and
 - (iii) the impact on highway safety, having regard to the proposed on-site parking and turning facilities.

Reasons

Issue 1: Heritage

5. *Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)* require special regard to be had to the

desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. *Paragraph 132 of the National Planning Policy Framework (the Framework)* makes it clear 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.

6. The Priory of the Canons of the Holy Sepulchre derives significance from the high evidential, historical and communal values of the ruins and the well-preserved archaeological remains. Its setting also contributes to its significance. In particular the limited height of existing development in the area around the Priory, including on the appeal site, ensures that its striking and distinctive appearance can be experienced and appreciated from the local area. As a result the ruins are a familiar and prominent part of Thetford's medieval heritage.
7. Currently the appeal site is fairly open and the garage buildings are single storey. As a result there are important views of the ruins from the west on Brandon Road across the appeal site. Although there is a pair of semi-detached dwellings between the application site and the monument as they are single-storey bungalows, set some way back from the road, they do not obscure or unduly impact on these views. The ruins are the tallest elements amongst their surroundings and the most visible element in the street-scape.
8. The proposed housing scheme includes two-storey development on parts of the appeal site. Such development would obscure some of the important views of the ruins from the west on Brandon Road and detrimentally affect others by the introduction of a group of closely spaced modern dwellings. The new development would also detract from views of the ruins from the east by adding to the mass and scale of surrounding development.
9. It is evident from these findings that the changes brought about by the proposed development to the setting of the ruins of the Priory would harm the ability to appreciate its significance.
10. Having regard to the proximity and nature of surrounding development and the high threshold required for 'substantial harm' I consider that the proposal would cause 'less than substantial harm' to heritage assets in terms of the *the Framework*. It is accepted and well-established that any harm to the significance of heritage assets should be given considerable importance and weight and any harm or loss must be clearly and convincingly justified. *Paragraph 134 of the Framework* specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
11. The proposal would provide some public benefits through the provision of new dwellings, the re-use of a brownfield site, the cessation of the existing commercial use, and the introduction of a use more in keeping with the surroundings. These benefits must be given moderate weight. However these public benefits, both individually and cumulatively, do not outweigh the damage to the setting of this heritage asset that would result from allowing the development to proceed.

12. I conclude, therefore, on the first main issue that the proposal would harm the significance of the remains of the Priory of the Canons of the Holy Sepulchre and that public benefits would not outweigh this harm.
13. The proposal, therefore, is contrary to *paragraphs 132 and 134* of the *Framework*. Furthermore the scheme would fail to enhance the significance of the ancient monument as required by *paragraph 137*. The scheme is also at odds with *Policies DC16: Design and DC17: Historic Environment* of the *Breckland Core Strategy and Development Control Policies Development Plan Document (2009)* which aim to protect heritage assets.

Issue 2: Neighbours' living conditions

14. The proposed two-storey dwellings on Plots 1 and 2 are located close to and at an angle to the garden boundaries of adjacent residential properties. Such a relationship is unsatisfactory as it is likely to lead to the overlooking of neighbouring gardens from first floor windows in the new houses. As a result the privacy of neighbours in their garden areas would be reduced to an unacceptable degree.
15. I conclude, therefore, on the second main issue that the proposal would detract from the living conditions of neighbours. This brings the scheme into conflict with *Policy DC1: Protection of Amenity* of the *Breckland Core Strategy and Development Control Policies Development Plan Document (2009)* which, amongst other things, seeks to ensure that neighbours are not unduly affected by overlooking from new development.

Issue 3: Highways

16. The parking spaces and turning area shown on the submitted layout would lead to vehicles reversing on to, waiting, and parking on the heavily-trafficked A134, Brandon Road, which is identified as part of the principal road network. This would be detrimental to the safe and free flow of traffic. As it has not been demonstrated that a revised layout could accommodate the necessary parking and turning arrangements it would not be appropriate to seek to address this matter by way of a planning condition.
17. I conclude, therefore, on the third main issue that it is likely that the proposal would be detrimental to highway safety. This brings the scheme into conflict with *Policy DC19: Parking Provision* of the *Breckland Core Strategy and Development Control Policies Development Plan Document (2009)* which is designed to ensure satisfactory provision for on-site parking.

Conclusions

18. I have found that the proposed development would harm the significance of the remains of the Priory of the Canons of the Holy Sepulchre and that public benefits would not outweigh this harm. I have also found that the proposal would detract from the living conditions of neighbours and is likely to be detrimental to highway safety. These findings constitute compelling grounds for dismissing the appeal. None of the other matters raised outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector