



Appeal Decision

Site visit made on 18 June 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Appeal Ref: APP/W3520/W/19/3219690

Sunnyholme, The Street, Botesdale, Diss IP22 1BX

- 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 & Mrs Bavington Lowe against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/02012, dated 18 April 2018, was refused by notice dated 3 July 2018.
 - The development proposed is described as "convert and extend existing outbuilding to form a new dwelling using existing access road".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council considers the existing outbuilding to be a non-designated heritage asset. The appellants' Heritage Statement comes to the same conclusion. I have thus also considered the appeal on this basis.
3. Subsequent to the date of the Council's Decision Notice, the National Planning Policy Framework (the Framework) has been updated twice, once in July 2018, before the lodging of the appeal, and again in February 2019, subsequent to it. I am thus satisfied that the main parties have had the opportunity to comment on the July 2018 version of the Framework. I am also satisfied that the February 2019 updates have not materially changed the policies of the July 2018 version of the Framework insofar as they relate to this appeal.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the outbuilding, a non-designated heritage asset;
 - Whether the proposal would preserve or enhance the character or appearance of the Botesdale Conservation Area (BCA);
 - Whether the proposal would preserve the setting of the nearby Grade II listed buildings Glenside, Pantiles and Fairhaven; and

- The effect of the proposal on the living conditions of the occupiers of Sunnyholme and Glenside with particular regard to noise and disturbance.

Reasons

Character and appearance of the outbuilding, a non-designated heritage asset

5. The appeal site comprises a detached outbuilding that is currently used as a wood store and a workshop associated with the dwelling of Sunnyholme, a detached property situated on a relatively large plot. The outbuilding is located to the rear of Sunnyholme and is accessed via a private driveway between Sunnyholme and Glenside.
6. Paragraph 184 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The significance of the outbuilding mainly stems from its architectural and historic interest. The outbuilding is formed in two bays and has a brick and flint plinth with clay lump walls with lime plaster, although recently the walls have been patched in areas with a cementitious render and non-breathable paint. The outbuilding is characterised by a simple linear form running parallel to The Street, with the roof materials consisting of red clay pantiles. The Council indicates that the outbuilding was likely to have been associated with a previously demolished house or one of the nearby listed buildings and it therefore provides an insight into the history of these older buildings and of how the street frontage buildings interacted functionally with their rear yards. This combined with the historic features outlined above make a positive contribution to the significance of the non-designated heritage asset.
8. The proposal comprises the conversion of the outbuilding to form a separate dwelling together with a two storey rear extension. The proposal would also incorporate an additional first floor within the existing structure.
9. I acknowledge that the appellants have sought to use contrasting materials within the proposed extension and to articulate it so that it is recognisable from the original structure. Nonetheless, the proposed extension would be of a considerable overall size and height. Such excessive proportions would overly dominate the outbuilding and would detract substantially from its characteristic linear form. Furthermore, the proposal would remove a substantial part of the rear wall of the outbuilding which contributes to its historic value. Consequently, the proposal would diminish unacceptably the integrity of the outbuilding and would lead to material harm to its character and appearance and thus to its significance.
10. I am aware of a recent planning permission¹ for an alternative design to convert the outbuilding into a new dwelling. However, this includes a smaller rear extension which would be more respectful of the form and character of the outbuilding. Thus, whilst it represents a fallback position, it is a materially

¹ Council Ref: DC/18/04643

different scheme and thus does not alter my view on the current proposal in respect of this main issue.

11. The appellants refer to other examples of development in the area. However, I do not have the full details of these examples and given that they relate to other buildings, are unlikely to share the same context as the proposal before me or to be wholly comparable. In any event, each case should be considered on its own merits.
12. I therefore conclude that the proposal would result in material harm to the character and appearance of the outbuilding, a non-designated heritage asset. This would be contrary to Policy CS5 of the Mid Suffolk District Core Strategy Development Plan Document 2008 (CS), Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012 (CSFR), and saved Policies GP1, HB1 and H16 of the Mid Suffolk Local Plan 1998 (LP). These policies require, amongst other things, development to be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, to protect the character and appearance of the area and buildings of architectural or historic interest and to improve the environmental conditions of the area. The proposal would also be contrary to the aims and objectives of the Framework, which seek to conserve heritage assets in a manner appropriate to their significance.

BCA

13. The site lies within the BCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 193 of the Framework states 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. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
14. The BCA Character Area Appraisal 2012 sets out that most of the buildings in the BCA are the product of their particular era, which provides an attractive mix of historic buildings. It also explains that in addition to the numerous listed buildings, many of the unlisted buildings in the BCA are also of traditional form and grouping and have interest for their visual impact. The typical Suffolk vernacular materials can be seen around the village, with plain tiles roofs on the older timber framed buildings. There is also a significant amount of flintwork in the village, which includes the church buildings and the outbuilding itself. The outbuilding, constructed of traditional materials and of historic interest, thus makes a positive contribution to the character and appearance of the BCA.
15. Whilst the proposal would be largely screened from public vantage points, the proposed extension, as previously set out, would diminish unacceptably the integrity of the outbuilding and would lead to material harm to its character and appearance. Consequently, the proposal would also fail to preserve or enhance the character or appearance of the BCA and would lead to harm to its significance.
16. However, I consider the harm to the significance of the BCA designated heritage would be less than substantial. Paragraph 196 of the Framework sets

out that such harm should be weighed against the public benefits of the proposal including, where appropriate, securing it optimum viable use.

17. The proposal would reuse an existing building and would make a contribution, albeit a limited one, to housing supply within the Borough. It would be in a location with a good level of access to local services and facilities and would, to a slight degree, increase local spending in the area. However, these modest benefits would be insufficient, in my view, to outweigh the harm I have identified and to which I afford considerable importance and weight. Furthermore, such benefits could be realised under the fallback position without harm arising to the BCA or its significance.
18. I therefore conclude that the proposal would fail to preserve or enhance the character and appearance of the BCA contrary to the requirements of the Act and that the harm identified, albeit less than substantial, would not be outweighed by public benefits as required by Paragraph 196 of the Framework. It would also be contrary to Policy CS5 of the CS, Policies FC1 and FC1.1 of the CSFR and saved Policies GP1, HB8 and H16 of the LP. These policies require, amongst other things, development to be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, to protect the character and appearance of the area and buildings of architectural or historic interest and to protect the character and appearance of conservation areas.

Setting of the nearby Grade II listed buildings Glenside, Pantiles and Fairhaven

19. The site is situated close to a number of Grade II listed buildings at Glenside, Fairhaven and Pantiles, The Street. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
20. The significance of these nearby buildings in heritage terms mainly stems from their architectural and historic interest. The nearest of these being Glenside, which lies parallel with the driveway to Sunnyholme. The listing description highlights that although the property dates from the C16, it has been the subject of significant internal and external alterations over time, which includes a chimney stack, new floor inserted and a new roof in the early C17. The building was further part rebuilt and altered in the C19 and C20. The building is timber framed with a painted render and red brick finish, with a steeply pitched pantiles roof and a prominent front gable. The front gable end has C20 openings with a door and a shop window at ground floor level. The property also contains a number of windows and door in the side elevation which face towards the access driveway to Sunnyholme.
21. The Council has raised concerns that the proposal would result in additional vehicle movements within close proximity to Glenside and that this would result in additional noise, vibration and dust which would harm the setting of this listed building. However, the existing driveway is already in use with the residential property at Sunnyholme. In addition, the proposal would be unlikely to generate much more additional vehicle movements than would be the case under the fallback position, albeit that it would include an extra bedroom. Furthermore, the proposed extension would be separated from Glenside by the

outbuilding itself. The other alterations proposed to the outbuilding would be largely similar to those approved under the fallback position.

22. As such, I consider that the proposal would preserve the setting of Glenside and would thus not give rise to harm to the significance of this listed building.
23. Similarly, I have also considered the effect of the development on the settings of Pantiles and Fairhaven. However, in light of the separation distances from these properties and the position of proposal in relation to these properties, I find no harm to the setting of these listed buildings or to their significance.
24. For the reasons outlined above, I consider that the proposals would preserve the setting of the nearby listed buildings Glenside, Pantiles and Fairhaven, in accordance with the requirements of the Act and the relevant aims and objectives of the Framework. It would also comply in this regard with saved Policy HB1 of the LP, which seeks, amongst other things, to protect the setting of listed buildings.

Living conditions of the occupiers of Sunnyholme and Glenside - noise and disturbance

25. The Council raises a concern that the proposal would lead to noise and disturbance for the occupiers of Sunnyholme and Glenside, due to the intensification of vehicle movements in close proximity to these residential properties. However, any additional vehicle movements associated with a single dwelling would be modest in scale and would not be materially different than would be the case under the fallback position.
26. Therefore, I conclude that the proposal would not result in an intensification of the use of the existing access that would give rise to any unacceptable noise and disturbance for the occupiers of Sunnyholme and Glenside. It would thus not result in harm to their living conditions in this regard.
27. The proposal would therefore comply with saved Policy H16 of the LP in this respect, which requires, amongst other things, development not to materially reduce the amenity of adjacent dwellings. It would also comply with the aims and objectives of the Framework which seek to ensure that developments create places with a high standard of amenity for existing users.

Planning balance and conclusion

28. Although I have found no harm in relation to neighbour living conditions or to the setting of nearby listed buildings, I have found that the proposal would harm the character and appearance of the outbuilding, a non-designated heritage asset. I have also found that it would fail to preserve or enhance the character or appearance of the BCA designated heritage asset and that the harm, albeit less than substantial, would not be outweighed by public benefits.
29. Applications for planning permission must be determined in accordance with the development plan, unless material considerations, which include the Framework, indicate otherwise. I have identified that the proposal would be in conflict with the development plan as a whole.
30. The appellants consider that the Council is unable to demonstrate a five year housing land supply and has submitted an appeal decision² in support of this.

² Appeal Ref: APP/W3520/W/18/3194926

However, even if this is the case, the 'tilted' test within the Framework at Paragraph 11d)ii would not apply because the application of policies within the Framework that protect heritage assets, as set out within Paragraph 11d)i and Footnote 6 of the Framework, provide clear reasons for refusing the proposal.

31. There are no other material considerations of sufficient weight or importance to indicate that the decision should be taken otherwise than in accordance with the development plan. Accordingly, for the reasons given above, and considering all matters raised, I conclude that the appeal should be dismissed.

R Satheesan

INSPECTOR