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## Appeal Decision

Site visit made on 7 October 2019

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 November 2019**

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**Appeal Ref: APP/D3505/W/19/3233380**

**Land to the rear of Little Meadow, Nedging Road, Nedging, Ipswich, Suffolk, IP7 7HN**

- 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 Alex Oxford against the decision of Babergh District Council.
  - The application Ref DC/19/01501, dated 23 October 2018, was refused by notice dated 10 June 2019.
  - The development proposed is erection of a 4 bedroom detached dwelling and formation of a new access from Nedging Road.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposed development would result in unacceptable harm to the setting and significance of the Grade II listed Vine Cottage; and,
  - Whether the proposed development would be in keeping with the existing pattern of development in the area.

### Reasons

3. The appeal site is an enclosed builders' yard. The site is reached by vehicle from Nedging Road along an access that runs to the side and rear of Vine Cottage, a Grade II listed building.

#### *Effect on Vine Cottage*

4. The appeal site lies to the rear of the Grade II listed Vine Cottage. I have paid special attention to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The Council's Heritage and Design officer has identified the proposal as causing a medium level of less than substantial harm to the significance of Vine Cottage. Paragraph 196 of the National Planning Policy Framework (the Framework) requires that, where a proposal that would affect the setting of a

listed building would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal.

6. The proposed development would result in the removal of the existing structures. The existing yard comprises low-level buildings and storage, with close-boarded fencing to the boundaries. The Council consider these to be not inappropriate given their scale and siting at the rear of existing houses, as they appear as ancillary structures. However, the appellant submits that their form and appearance detract from the setting of the listed building, and that the cessation of the commercial use would also bring benefits to the enjoyment of the heritage asset.
7. Paragraph 192 of the Framework recognises that new development can make a positive contribution to local character and distinctiveness, which includes enhancing the setting of heritage assets. The removal of the structures from the site would make a positive contribution to the setting of the listed building, and I have afforded this limited weight in considering this appeal.
8. However, the proposed development would involve the erection of a two-storey house in place of the yard structures. The setting of Vine Cottage includes open countryside to the rear, and the scale of the existing structures is such that they cause limited harm to this setting. The proposed development would be significantly taller than the existing structures and sited to that it would appear separate and distinct from the existing houses, albeit that it would only occupy part of the footprint of the site. As a result of its height and siting it would be a prominent and intrusive addition to the setting of Vine Cottage. that would cause less than substantial harm when compared to the current situation.
9. The public benefits identified from the development do not outweigh this harm, and, in the absence of identified policies in the Council's Development Plan, the proposed development is therefore contrary to the heritage requirements of the Framework.

#### *Pattern of Development*

10. Development along Nedging Road in the vicinity of the appeal site is primarily linear in nature. However, in some locations development does extend significantly back from Nedging Road, for example a row of four farm buildings to the south of the site which are aligned perpendicular to the highway. Other examples of similar development patterns in the vicinity have been brought to my attention by the appellant, and I was able to see some of these from the road.
11. The appeal site is previously developed land located behind existing houses. The existing buildings are low level structures of limited visibility in the wider area, and the proposed dwellinghouse would be a more prominent feature in this setting. However, it would be seen in the context of the neighbouring dwellings, within which it would appear as a proportionate addition to the development along Nedging Road. During my visit I viewed the site from Nedging Road in both directions and find that the scale of development would not appear out of place in these longer views.
12. While the siting and size of the proposed development would cause harm to the setting of Vine Cottage, in this wider context it would not be out of keeping with the existing pattern of development in the area. The proposed

development would in this regard therefore comply with policy CN01 of the Babergh Local Plan (June 2006). This policy is in accordance with the design criteria of the Framework, and therefore there is no conflict between local and national policy.

### **Other Matters**

13. The appellant's family live near the site and the proposed development would allow the appellant to live close to them and provide support. I have given this consideration in determining this appeal, but I am mindful of advice in the national Planning Practice Guidance<sup>1</sup> that in general planning is concerned with land use in the public interest. I have not been presented with evidence that these personal circumstances are particularly unusual, or that there would be no other way to provide accommodation for the appellant in the area. I therefore find that the circumstances do not outweigh the harm that would arise from the proposed development.

### **Conclusion**

14. Notwithstanding my finding that the proposed development would not be out of keeping with the existing pattern of development in the area, neither this, nor any other matters raised would outweigh the harm it would cause to the setting and significance of the Grade II listed Vine Cottage. I conclude on balance, for the reasons given above, that the appeal should be dismissed.

*M Chalk*

INSPECTOR

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<sup>1</sup> What is a material planning consideration? Paragraph: 008 Reference ID: 21b-008-20140306