



Appeal Decisions

Site visit made on 25 November 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal A: APP/D3505/D/19/3223712

Cracketts, The Street, Shimpling, Bury St Edmunds, Suffolk, IP29 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA) against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Gregory against the decision of Babergh District Council.
 - The application Ref DC/18/03094, dated 6 July 2018, was refused by notice dated 31 October 2018.
 - The development proposed is the erection of single storey rear extension
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Appeal B: APP/D3505/Y/19/3223721

Cracketts, The Street, Shimpling, Bury St Edmunds, Suffolk, IP29 4HU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr Andrew Gregory against the decision of Babergh District Council.
 - The application Ref DC/18/03095, dated 6 July 2018, was refused by notice dated 31 October 2018.
 - The works proposed is Listed Building Consent for the erection of single storey rear extension.
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Decisions

Appeal A Ref: APP/D3505/D/19/3223712

1. The appeal is dismissed.

Appeal B Ref: APP/D3505/Y/19/3223721

2. The appeal is dismissed.

Preliminary Matter

3. These decisions deal with a planning appeal under S78 of the TCPA (Appeal A) and a listed building consent appeal under S20 of the PLBCA (Appeal B). Whilst both appeals are to be considered under these separate processes, to avoid repetition and for the avoidance of doubt, I have dealt with both decisions within this single letter.

Main Issue

4. The main issue is whether the proposed development would preserve the Grade II listed building known as 'Thatch End and Cracketts, The Street' or any features of special architectural or historic interest which they possess.

Reasons

5. Sections 16 (2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) prescribes a duty upon a decision maker to give special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses including its setting.
6. The appeal property is part of a Grade II listing which comprises of two semi-detached cottages called 'Cracketts' and 'Thatch End' which are positioned with minimal setback to The Street with small front gardens. The cottages are single storey with accommodation in the roof space and appear to date from the seventeenth to eighteenth centuries; and are timber framed buildings with a thatched roof and lime plastered walls. To the rear of both the buildings are rather large extensions, the one to Thatch End being single storey and appearing to date from the mid-late twentieth century and a double storey extension to the rear of Cracketts which projects from the rear façade of the historic building which was constructed towards the end of the twentieth century.
7. I note that in the original application that the component of the Design, Access and Heritage Statement which deals with the historic environment only gives the list description of the building and that the assessment of the significance is undertaken within the appellant's Statement of Case (SoC). Even so, the assessment predominantly concentrates on views and would not comprise an appropriate heritage statement in accordance with paragraph 189 of the National Planning Policy Framework (the Framework). The Framework seeks to understand the tangible and intangible elements, associations and relationships that make up the significance of the listed building which goes beyond an assessment of views alone¹. The Design, Access and Heritage Statement does not undertake this assessment of significance and hence is limited in aiding understanding of significance, or harm caused to this significance.
8. Whilst there may be other important heritage values which make the Cracketts significant, the relevant components related to this appeal derive from its use of vernacular materials, timber framing, its historic plan form and relationship to its former function, evolution of works and historic relationship with the land and open countryside and rural context surrounding. The setting of the appeal site which relates to how it is positioned and experienced with well landscaped gardens and within the context of the surrounding buildings such as Thatch End is also significant.
9. The proposed extension would project from the more recently constructed two storey extension and have a more contemporary appearance. The proposed extension would have full height glazing to the end and a roof that would have its highest point at the end of the extension and would lean down to the two storey extension where a stainless steel flue protrudes from the roof. The extension would be placed off centre from the end of the two storey extension with side walls proposing to project past the side wall of the two storey extension.
10. I note commentary from the appellant with regards to the neighbouring Thatch End having a rather large extension to the rear and that as this was considered

¹ See Planning Practice Guidance 013 Reference ID: 18a-013-20190723, Dated 23/07/19

to be acceptable, that the same reasoning should apply to the appeal site with regards to harm caused. On my site visit the extension to Thatch End does appear very dated to me, which is also confirmed by the Council who state that the extension was probably constructed between the 1950s-1970's, likely before the building was listed in 1978. Therefore, the utilising of poor form, massing and dimensions of previous historic extensions to a neighbour's property is inappropriate to justify acceptability of the proposed extensions. As such it is not possible to conclude that the considerations regarding the neighbouring scheme are analogous to the appeal scheme.

11. Whilst I can appreciate the design ethos in the proposed scheme which seeks to allow an honest approach in determining the evolution of the building, the proposed extension is seen in addition and in conjunction with the already large rear extension which is not subservient to the historic building with a combined massing of almost double the historic building. The design itself of the proposed extension is also overcomplicated and positioned off-centre which would give an incongruous design that would have an awkward juxtaposition at the junction between the extensions to the rear. The proposed extension would accentuate the already large form of the existing two storey extension, and as a result of the increased form, depth and massing would upgrade the status of the extensions when seen against the smaller and more functional proportions of the listed building.
12. It is clear to me that the proposed alterations would unacceptably harm the significance of the listed building, thus failing to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with s66 of the PLBCA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'
13. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. Supporting information accompanying the appeal suggest that the public benefits of the scheme are the that the extension increases the living spaces for existing and future occupiers. I am not convinced that the proposed extension is the only way of achieving appropriate accommodation for current and future occupiers, with the public benefits still arising from a differently designed scheme. As such I can only afford this public benefit limited weight. Despite this, the public benefit is not sufficient to outweigh the harm which is given great weight in accordance with the PLBCA and the Framework.
15. That said, and whilst I acknowledge supporting comments from the Parish Council, I am not convinced that the specified works are necessarily the only option available and would therefore result in harm to the listed building and its special architectural and historic interest. As such the alterations would be contrary to Saved Policy CNO6 (which seeks that development is of an

appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting, and respects those features which contribute to the setting of a listed building, including space, views from and to the building and historic layout).

Conclusion

16. In conclusion, on the basis of what I saw on my site visit and the evidence before me, the proposals would fail to preserve the listed building in accordance with the expectations of the PLCBA and the Framework.
17. For the reasons given above, the appeals are dismissed.

J Somers

INSPECTOR