The Planning Inspectorate

Appeal Decision

Site visit made on 7 November, 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 8th January 2020

Appeal Ref: APP/F2605/W/19/3227344
Land Adjacent to The Blue Lion, Houghton Lane, North Pickenham, Swaffham PE37 8LF

- 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 Crossley Eccles against the decision of Breckland Council.
- The application, Ref 3PL/2018/0795/F, dated 22 June 2018 was refused by notice dated 11 April 2019.
- The development proposed is construction of a single detached dwelling and access to Houghton Lane.

Decision

1. The appeal is allowed for the construction of a single detached dwelling and access to Houghton Lane, subject to the conditions outlined in the schedule of conditions below.

Costs Decision

2. An application for costs was made by Mr Eccles against Breckland Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council has recently adopted the Breckland Local Plan which at the time of determination was a material consideration which the parties considered in their evidence. I have therefore had regard to the formal adoption of this policy document in this decision.

4. My attention has also been drawn to previous appeal decisions[1] that relate to this site. The full details of these cases, including their design are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal.

Main Issues

[1]. T/APP/F2605/A/87/076468, T/APP/F2605/A/96/266511/P9 and T/APP/F2605/A/96/266512/P9

5. The main issues in this appeal are:

    - The effect of the proposed development upon the setting and significance of the Grade II* Listed Church of St Andrew and the Grade II Listed 'The Blue Lion' Public House;
    - Whether the proposal would provide satisfactory living conditions for future occupiers, having regard to the proximity of the Blue Lion Public House.

Reasons

Listed Buildings

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard, when assessing proposals for development that affect listed buildings and their settings, to the desirability of preserving the buildings or their setting. The appeal site is adjacent to the Grade II Listed public house 'The Blue Lion' and near to the Grade II* Listed Church of St Andrew. There is also evidence before me that the site was once under the ownership of The Blue Lion prior to being sold off. I consider therefore that the appeal site is within the setting of both these designated heritage assets and has the potential to impact upon their significance.

7. I consider that the village of North Pickenham is primarily focussed around the T-Junction of Houghton Lane and The Street/Hillside. Although there is outlying development that would suggest the village is somewhat dispersed, I consider that there is a clear and legible nuclei around this T-Junction and this subsequently forms what may be termed the heart, or focal point, of the village. This perception is increased through the fact that this is the location of the village pub (The Blue Lion) and the Church of St Andrew.

8. The site itself is currently scrubland bounded on two sides by significant tree planting, much of which is outside of the site's red line boundary. Notwithstanding this there are three trees that are protected under a Tree Preservation Order[2] (TPO) situated nearby, two of which directly abut the site.

The Blue Lion

9. The Blue Lion public house is a two storey, white rendered building that fronts the corner of Houghton Lane and The Street/Hillside. The building is likely of late 17th or early 18th Century containing likely timber framed elements. As such the building obtains much of its significance through its age, its vernacular architectural form and through its location within the centre of the village, which, in turn, reinforces the communal heritage value of the building.

10. Stretching alongside Houghton Lane, adjoining the pub, there exists a single storey outbuilding range built of flint, red brick and pantiles. I note from historic photographs in the appellant's heritage statement that historically there was also a second outbuilding range, possibly a barn, that ran parallel to this building on land to the rear of the pub and directly adjacent to the appeal site.

[2] Tree Preservation Order 2007 no 49.

11. The proposal would introduce a relatively modest building onto the appeal site that would in some ways compliment the historic outbuildings that once defined the immediate setting of the pub. The proposed building's Victorian inspired design, simple form and materials would therefore be consistent and complimentary to the character of the pub and the wider village context. In light of this I conclude that The Blue Lion, and its setting, would not be harmed through the introduction of what would be a relatively simple new building upon this site, providing its materials and architectural details are of sufficient quality. These are matters that could be secured by a condition.

Church of St Andrew

12. The significance of the Grade II* Listed Church of St Andrew is primarily due to its architectural and historic importance that is largely contained within the fabric of the building itself, including its partial Medieval West tower and North Transept. Also of significance within the building is the 19th century tracery windows that were mentioned by Pevsner. I have no evidence before me as to the historic relationship between the church and the appeal site itself, other than the fact that the site forms an element of the Church's setting.

13. In assessing this setting I notice that the Church of St Andrew is unusual in the fact that it is located away from the surrounding streets and is therefore set back behind several buildings, being reached by two lanes that approach the church from Houghton Lane and Hillside. It would appear that even historically the church has been seen within the context of surrounding buildings, and the 1884 Ordnance Survey Plan[3] shows the church behind the Rectory, School and Methodist Chapel.

14. Although I consider that the appeal site has contributed in some modest way to the perception and approach to the church in the village, which is important for the building's setting, I consider that this is primarily due to the landscaped appearance of the trees surrounding the site and the approach from Houghton Lane. On my site visit I noticed that the land within the site was not readily visible from the church as it was obscured by these trees, even in late Autumn. Although some of these trees are located within the appeal site, there are also several that are located outside of it, including some trees that appear to be evergreen or have Ivy growing amongst them. This contributes further in obscuring any cross visibility between the site and the church and its churchyard.

15. Although the church tower is visible from various points further away from the site I do not consider that the church itself was particularly noticeable from Houghton Lane when looking over this site. I consider therefore that part of the significance of the setting of the church is derived from the fact that it is actually set back behind other buildings and landscape. This in turn enables the visitor to approach the church along the two narrow lanes before the space opens out and the church is fully revealed.

16. In light of this I do not consider that the appeal site contributes in a significant manner, either historically or aesthetically to the setting, significance or appreciation of the church itself. Moreover, the significance of the church does not appear to have been enhanced or added to by views over or through this

[3] 1884 Ordnance Survey Plan as reproduced in Appendix 1 (page 13) of the appellant's Heritage Statement by EJW Planning.

site other than from the glimpses provided by the treelined path that extends from Houghton Lane.

17. I therefore conclude that there would be no harm to the setting of the Church of St Andrew or The Blue Lion public house and that the requirements contained within the Statutory Duty and within Policy ENV07 of the newly adopted Breckland Local Plan are accordingly met.

Whether the proposal would provide satisfactory living conditions for future occupiers, having regard to the proximity of the Blue Lion Public House.

18. The land to the rear of The Blue Lion Public House is used for a variety of events associated with the running of the pub. Such activities have the potential to impact upon the living conditions of neighbours through noise and disturbance.

19. As mentioned above The Blue Lion is a village pub that is already close to several houses and this would appear to have been the situation for many years. Notwithstanding this however the introduction of another house backing onto this site introduces another factor that could introduce conflict between the legitimate activities of the pub and the future occupiers of the appeal site.

20. In assessing this issue I must pay particular attention to the design changes undertaken in light of the Council's Environmental Protection Officer's (EPO) comments. In her comments the EPO was satisfied that the change in orientation of bedroom windows and the siting of the dwelling with its rear elevation containing only secondary windows, would be sufficient to alleviate these concerns subject to the conditions she outlined in her response.

21. In light of these comments and in the absence of any substantiated evidence to the contrary, I do not consider that the living conditions of future residents will be affected to such an extent as to compromise their living conditions. As such I conclude that the conditions and design changes suggested by the Council's Environmental Protection Officer will be sufficient to alleviate these concerns and meet Policy COM 03 of the Adopted Breckland Local Plan.

Other Matters

The effect of the proposal upon the trees surrounding the site

22. As noted above, the trees surrounding this site are important for the approach and setting of the Grade II* Listed Church of St Andrew. The Council's arboricultural officer initially raised concerns with regard to the effect of the proposal upon the long term survival of these trees and these were addressed by the applicants. I firstly notice that many of these trees are without the red line and therefore outside of the Appellant's ownership. Therefore I consider that it is not within the gift of the Appellant, or future owner, to fell these trees should they feel that they were becoming a problem. I also notice that the amended plans have removed the proposed dwelling from the Root Protection Area (RPA) of the existing trees which would, along with the relevant conditions, remove any danger of their roots being impacted.

23. Although the surrounding trees would be within relative close proximity to the site, I consider that the orientation of the proposed dwelling would allow sufficient sunlight to enter the garden. I therefore do not consider that the impact upon the living conditions of future residents would be harmed to such

an extent as to affect the enjoyment of the dwelling house or to place these trees under undue threat in the future, subject to the arboricultural conditions as outlined below.

Conditions

24. I have considered the conditions proposed by the Council in the light of the requirements of the Framework and the Planning Practice Guidance. As well as the standard conditions, a number of other conditions are required. These include details to ensure the safe operation of the highway and to protect the biodiversity and ecology of the area through the inclusion of bird and bat boxes. I have included a condition with regards to architectural details of windows and doors of the proposed dwelling to be agreed in writing with the Local Planning Authority. This is in order to maintain the character and appearance of the area. I have also included a condition to ensure any works are in accordance with the Arboricultural Method Statement with regards works to or near trees. I have finally agreed that a condition removing Permitted Development Rights is reasonable in order to protect the living conditions of residents and the character and appearance of the area.

Conclusion

25. I conclude that the proposal would not harm the historic environment or cause harm to the living conditions of future residents through the legitimate activities of the adjoining public house. The proposal would therefore accord with the Breckland Local Plan. I therefore allow the appeal subject to the conditions outlined below.

A Graham

INSPECTOR

Schedule of Conditions

1. The development must be begun not later than the expiration of two years beginning with the date of this permission.

2. The development must be carried out in strict accordance with the application form, and approved documents and drawings: NS-4146-100 (dated June 2018), NS -4146-110 (dated November 2018), TPP Revised Layout NS146.100G.

3. Prior to the commencement of any works above slab level details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.

4. Prior to the commencement of any works above slab level, details of window and doorway reveals at a suitable scale are to be submitted to and approved in writing by the Local Planning Authority.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

6. The development works hereby permitted must proceed in accordance with the mitigation measures outlined in section 8 of the Preliminary Ecological Appraisal report (Eco-Check Consultancy Ltd; June 2018)

including but not limited to the re-inspection of T7 and T8 prior to any arboricultural works on these trees.

7. The development works hereby permitted must proceed in accordance with the supplied Arboricultural Method Statement as supplied by the applicant dated August 2018.

8. The development works hereby permitted must proceed in accordance with the enhancement measures outlined in section 9 of the Preliminary Ecological Appraisal report (Eco-Check Consultancy Ltd; June 2018), including at least three bird boxes and three bat boxes.

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangements shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

10. Prior to the occupation of the development hereby approved a scheme for the provision of boundary screening shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the development.

11. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

12. Prior to the first occupation of the development hereby permitted the proposed access parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the

approved plans and retained thereafter available for that specific use.

13. Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the offsite highway improvement works as indicated on Drawing No.NS-4146-110 have been submitted to and approved in writing by the Local Planning Authority.

14. Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works referred to in condition 13 shall be completed to the written satisfaction of the Local Planning Authority.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.