



Appeal Decision

Site visit made on 4 December 2019

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 08 January 2020

Appeal Ref: APP/D3505/W/19/3231103

Linton House, The Street, Kersey, Suffolk, IP7 6DY

- 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 and Mrs D J Stiff against the decision of Babergh District Council.
 - The application Ref DC/19/01295, dated 12 March 2019, was refused by notice dated 10 May 2019.
 - The development proposed is erection of 1 No single storey (2 bed) dwelling (following demolition of existing structures), utilising existing improved access - following approval under DC/18/05586/LBC.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site lies within the curtilage of Linton House, a Grade II listed building. It also lies within the Kersey Conservation Area. S16(2) and S66(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 which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. The *National Planning Policy Framework* (the Framework) requires that the significance of heritage assets is conserved in a manner appropriate to their significance and this reflects the requirements of the Act.
3. The appellant has submitted a Unilateral Undertaking (UU) which makes provision for payment of a Habitats Mitigation Contribution. I have taken this into account in my decision.

Main Issues

4. Accordingly the main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area, including whether the proposal would preserve or enhance the character or appearance of the Kersey Conservation area and whether it would preserve the architectural and historic interest of the Grade II listed building known as Linton House;
 - The effects of the proposal on highway safety; and

- Whether the proposal would make appropriate provision to mitigate the effect of the proposal on the Stour and Orwell Estuary Special Protection Area (SPA).

Reasons

The Character and Appearance of the Area

5. Although not specifically referred to in the Council's second reason for refusal, The site lies within the Kersey Conservation Area and lies within the curtilage of Linton House, a Grade II listed building. Having regard to the statutory duty within the Act, I consider the effect of the proposal on these heritage assets to be integral to any consideration of the effects of the proposal on the character and appearance of the area. This matter is also a concern for some local residents and the Parish Council.
6. Linton House is 16th Century timber framed building that has subsequently been refaced in part in brick. It is located directly on The Street and has a large open curtilage which is adjoined by open fields to the rear. The plot is "L" shaped and appears to include land which would not have historically been part of the curtilage of the listed building. The size of the plot and the position of the access allow open views from The Street to the countryside beyond and this setting contributes to the significance of the asset. Properties of this type in the village would originally have been set on large plots which would have been used in part for horticulture. As such, the plot contributes to the character of the building as is indicative of the origins of the house. It also contributes to the character of the Kersey Conservation Area and the large gardens to the rear of the properties on The Street protect the open setting to the village and its relationship with the countryside beyond.
7. To facilitate the proposed development the proposal requires the removal of the shed-like structures which sit to the north of the plot, immediately behind the residential annexe to the adjoining property. This would enable this part of the site to accommodate the proposed dwelling. The proportions of the proposed dwelling would be broadly comparable with that of the existing collection of structures it replaces and the building would have a contemporary appearance, being clad in timber with a pitched roof that echoes the form of the sheds. The building would also be "tucked away" much in the same way as the existing sheds are.
8. Nevertheless, the sheds on site are positioned to ensure economy of space on the site and their location is in keeping with their form and function. In contrast, it would be evident that the replacement building was a dwelling by way of the fenestration, the parking, and the normal domestic chattels that would accompany occupation. Due to the lack of space to the north and east of the building, the positioning of the dwelling would appear cramped. A dwelling would not naturally be located in this position and so the proposal would appear oddly contrived. In addition, and notwithstanding that the building would appear to reflect the form of the buildings it replaces, it would result in a utilitarian appearance to the dwelling which would fail to assimilate comfortably with the more traditional architecture which surrounds the site. Even accounting for any visual benefit derived from the removal of the existing sheds, the incongruous form and position of the dwelling would be harmful to the character of the site.

9. The proposal seeks to retain the existing open and undeveloped character of the plot. I am mindful that the existing character of the site is in part due to the way in which the occupier has chosen to use his curtilage and that the character of the plot and the setting of Linton House would be altered if it had been more intensively “gardened”. I am also conscious that the proposed plot would be created from land not believed to have formed the historic plot of Linton House. Nevertheless, the land is now intimately associated with the asset and forms part of its wider setting. Even if the “new” garden was set to the side of the new dwelling, and all future development could be controlled, the new household would be apparent from the vehicles and domestic paraphernalia that would come with additional residential occupation. In this regard the subdivision of the plot would intensify the nature of the residential use in a way that would have an erosive and harmful effect on the site’s existing character.
10. The adjoining property of Bouttles is also Grade II listed. It is also a C16 timber framed building and its significance lies in the antiquity of parts of its fabric, and in the contribution it makes to the streetscene. A recently built annexe separates the curtilage of this asset from the proposed development site and screens the site in public views from The Street. Insofar as the proposal would lead to only limited intrusion into shared views of Bouttles, I am satisfied that the proposal would not materially harm the significance of Bouttles as a heritage asset and this does not add to my concerns.
11. I take into account the appellant’s view that backland development is not inappropriate in principle and I note there are other instances of backland development in the village. However, in this case the position and appearance of the proposal would nonetheless have a harmful impact upon the character of the village and with it the Kersey Conservation Area. Insofar as it would lead to an incongruous form of development in shared views of Linton House and would diminish the current openness that contributes to its significance, it would also harm the setting of Linton House. The harm identified would amount to “less than substantial harm” which the Framework advises must be weighed against the public benefits of the scheme.
12. The proposal would provide accommodation for the current occupiers of Linton House. I am advised that they have lived in the village all their lives and wish to downsize to accommodation that allows them to remain in the village. Whilst I have some sympathy for their requirements, this is primarily a private benefit which does not weigh in favour of the proposal. The proposal would provide an accessible and sustainably constructed dwelling which would contribute to housing supply. The proposal would also potentially “free-up” a larger dwelling suitable for occupation by a family. The contribution the proposal would make to housing supply in the village weighs in favour of the proposal.
13. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets great weight should be given to the asset’s conservation. I therefore attribute greater weight to the harm which would arise to the significance of Linton House and to Kersey Conservation Area as a result of this proposal and accordingly the benefits identified would be insufficient to outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework.

14. The Council have referred to policy CS11 and CS15 of the Babergh Core Strategy and Policy CN01 of the Babergh Local Plan. Together these policies seek to secure well designed development which makes a positive contribution to local character. These aims are consistent with the Framework which seeks visually attractive development which is sympathetic to local character. As the proposal would fail to achieve these aims it would therefore also fail to comply with local policy.

The Effect of the Proposal on Highway Safety

15. The site is accessed via a single point of entry which sits to the north of Linton House. The proposal would widen the drive by moving the existing pier at the access, in accordance with an existing consent¹. The Council's Highways Officer has indicated that the access would fall short of the guidance in Manual for Streets 2, which indicates that in a 30 mph zone visibility splays of 43m should be achieved for new development.
16. I noted on site that in common with a number of other properties along The Street, the access did not currently have the visibility referred to above. In order to safely leave the site, a driver would still need to "nose out" onto the footpath to achieve an adequate view of oncoming traffic in both directions. This was particularly true in the uphill northward direction where oncoming traffic would be approaching on the nearside carriageway. However, the footpath is straight and users would have a good view of any vehicle crossing the footpath to access the carriageway.
17. In addition, the rural nature of the location suggests that The Street is not heavily trafficked. I noted during my visit that the width and gradient of the road deterred drivers from speeding, with the few vehicles that passed appearing to travel at well below the speed limit. There also appears to be a very low incidence of accidents near the site. Furthermore, although the additional dwelling would lead to a small increase in the use of the access, the proposed works would lead to a small improvement in existing visibility for occupants of the existing dwelling and so, on balance, would not lead to a worsening of existing highway conditions at the site.
18. Lastly, whilst I take into account the visibility splays recommended in Manual for Streets, I am also mindful that this document is only guidance, and that local circumstances are a material consideration in this case. I am therefore of the view that the proposal would be unlikely to cause danger to pedestrians or other road users and so would not conflict with guidance in paragraphs 108 and 109 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety, and that safe and suitable access to the site can be achieved for all users.

The Effects of the Proposal on the SPA

19. The site falls within the 13km zone of influence of the Stour and Orwell Estuary Special Protection Area (SPA) and Ramsar site. The Suffolk Recreational Disturbance Avoidance and Mitigation Strategy requires that in order to mitigate the potential effects of development within the SPA, a mitigation contribution should be made for relevant development within the zone of influence. The appeal submission contains a Unilateral Undertaking which

¹ Ref DC/18/05586/LBC

secures a payment of £200 per dwelling and which I am satisfied would address the matter of mitigation in this case. I am therefore satisfied that the proposal is in accordance with the requirement in the Framework to prevent development which would lead to the deterioration of irreplaceable habitat.

Conclusion

20. The proposal would not be detrimental to highway safety and would not lead to harm to protected species. However, it would comprise an inappropriate form of development which would fail to preserve the character of the Kersey Conservation Area or the setting of the listed Linton House. That harm would not be outweighed by the stated public benefits of the scheme.
21. Neighbours have referred to the potential impact of the proposal on the living conditions of adjoining occupiers and to potential harm to the root systems of nearby trees from the effects of construction. As I have found the proposal to be unacceptable for the reasons outlined above, these matters do not, in the event, alter my reasoning above.
22. Accordingly, the appeal is dismissed.

Anne Jordan

INSPECTOR