



Appeal Decision

Site visit made on 20 January 2020

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Ref: APP/X3540/Y/19/3235565

The Great House, Church Street, Orford, Suffolk, IP12 2NT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Christopher Gerard against the decision of East Suffolk Council.
 - The application Ref DC/19/1539/LBC, dated 10 April 2019, was refused by notice dated 25 July 2019.
 - The works proposed are the installation of a gate in a boundary wall.
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Decision

1. The appeal is allowed and listed building consent is granted for the installation of a gate in a boundary wall at The Great House, Church Street, Orford, Suffolk, IP12 2NT, in accordance with the terms of the application, Ref DC/19/1539/LBC, dated 10 April 2019 and the plans submitted with it subject to the conditions below:-
 - 1) The works hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The works hereby permitted shall be carried out in accordance with the following approved plan: 5855/406
 - 3) The external surfaces of the works hereby permitted shall be constructed in the materials shown on plan no. 5855/406.

Application for costs

2. An application for costs was made by Mr and Mrs Chris Gerard against the decision of East Suffolk Council which is the subject of a separate decision.

Main Issue

3. The main issue in this case is whether the proposed works would preserve the Grade II listed building at The Great House or its setting or any features of special architectural or historic interest which it possesses.

Reasons

4. In considering proposals for planning permission, the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning

Policy Framework 2019 (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.

5. The development plan includes policy DM21 of the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document (2013) which seeks to protect existing site features of heritage value and reflects the statutory duty. The objectives of this policy accord broadly with the Framework although it fails to acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the Framework. Policy SSP39 in the Site Allocations and Area Specific Policies Development Plan Document (2017) referred to by local residents seeks to severely restrict, but does not prevent, development in the area but does not prevent development in the area. I have given little weight to the emerging Local Plan given its as yet unadopted status.
6. The property is a Grade II listed building, dating from the late C18th to the early C19th, located in a prominent position within the Conservation Area of Orford. It has later additions and alterations and is set within formal and informal gardens. Its evidential and aesthetic significance derives from its age and its classically proportioned Georgian architecture. It is a large house whose principal elevation faces onto Church Street.
7. A long, red brick wall runs along the Church Street and Broad Street boundaries of the property, separated from the road by a registered village green. I agree with the Council that the wall forms an attractive and prominent feature in the street scene. The wall is shown on the 1887 OS map. By reason of its age and appearance it contributes to the building's significance and its setting. Although the Council's decision does not refer to the Orford Conservation Area third parties have and at my visit I noted that the wall also makes a significant contribution to the character and appearance of the CA.
8. Although on this frontage the length of the wall is presently uninterrupted, the proposed pedestrian gate would involve the removal of only a very small section and would be sited at the far end of the Broad Street frontage in the least prominent corner of the property and adjacent to an existing vehicular access to another property.
9. Permission was granted in 2019 for a new dwelling in the grounds for use as a short term holiday let which is nearing completion. The permission included a timber pedestrian gate in the same position, of some 2m in height. This application remains a Suffolk latch gate in oak with oak posts but has been reduced in height to match that of the wall. The Council has not explained why the gate in that scheme was acceptable but this one is not.
10. Whilst it would introduce a new feature into the wall, gates are a common feature of many historic walls. The appeal property itself has existing openings for both a pedestrian and a vehicular gate in the wall on the Church Street frontage. Other pedestrian gates are seen in the historic walls opposite the

property on Broad Street and in many other locations around this Conservation Area.

11. Given its small size and discreet siting, it would not undermine the dominance and strong sense of enclosure provided by the existing feature. I therefore agree with the Council's Conservation Officer who considered that *'the gate will read as a minor and incidental feature of appropriate garden gate design that will not harm the special interest of the listed building'*.
12. The curtilage is already in residential use and the village green contains benches and is already subject to pedestrian activity. The new gate would not therefore introduce an unacceptable level of pedestrian activity.
13. Local residents have also objected to the potential for increased parking on the opposite side of Broad Street and on the village green and the impact on the Conservation Area. As the permission for the holiday let includes parking provision within the grounds of the property it is unlikely that the small scale of this proposal would lead to an unacceptable increase in on street parking that would harm the significance of the listed building or the character and appearance of the Conservation Area. The Council must have found that the gate in the previous scheme would not cause unacceptable harm in terms of pedestrian activity or parking in granting permission for it as part of the holiday let.
14. I conclude, therefore, that for the above reasons and given its minor scale and nature, the proposal would preserve the significance, setting and features of special architectural or historic interest of the listed building, in accordance with the Council's policies referred to above and paragraph 193 of the Framework and it fulfils the statutory duty. For the same reasons it would also preserve the character and appearance of the Conservation Area. As I have found that no harm has been caused, there is no need for me to consider whether or not there are any public benefits as required by the Framework.

Conditions

15. The conditions suggested by the Council have been considered against the tests of the Framework and the advice provided by the Planning Practice Guidance (PPG). In addition to the standard commencement condition, conditions requiring that the works and external materials are carried out in accordance with the approved plans are necessary to ensure compliance with the plans and for certainty.

Conclusion

16. For the reasons given above, I conclude that the proposed works would preserve the significance, setting and features of special architectural or historic interest of the listed building and the character and appearance of the Conservation Area. They accord with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise. The appeal should be allowed.

Sarah Colebourne

Inspector