



Appeal Decision

Site visit made on 28 January 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/V2635/D/19/3237545

Strebla, Mill Road, Brancaster, PE31 8AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Chris Spearing against the decision of the Borough Council of King's Lynn and West Norfolk.
 - The application Ref: 19/01322/F dated 26 July 2019, was refused by notice dated 10 September 2019.
 - The application sought planning permission for *Demolition of existing conservatory and demolition of existing 'in fill' link extension. Reconstruction of 'in fill' link extension between existing single garage and formation of rear single storey extension, single storey extension to form first floor terrace to master bedroom. Alterations to existing front facing dormer window to amend the roof pitch, including doors onto the terrace. Insertion of roof glazing to existing lounge vaulted ceiling. Replacement of all existing windows and doors. Rendering of existing brickwork at Palmyra, Mill Road, Brancaster, Norfolk, PE31 8AW*, without complying with a condition attached to planning permission Ref: 19/00041/F dated 5 March 2019.
 - The condition in dispute is No. 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans:*
 - *Block plan – drawing P-S003 REV A – receipt dated 14/01/19*
 - *Elevations – drawing P-E202 REV E – receipt dated 25/02/19*
 - *Layout – drawing P-P102 REV E – receipt dated 14/02/19*
 - *Roof plan– drawing P-R301 REV A – receipt dated 14/02/19*
 - *Section through – drawing P-C401 REV B – receipt dated 25/02/19*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site address in the banner heading above is taken from the original planning application form. The appellant's appeal form refers to the site address as 'Palmyra'. It is clear from the Council's and appellant's evidence that the appeal site is the same as the application site but has been re-named. This is reflected in the Royal Mail record which lists the address as Palmyra.
3. The appellant states that they wish to amend the roof tile to be used on the approved development from a rustic red coloured roof tile (such as the Marley Eternit Lincoln Clay) to Marley Melodie Slate Grey. I have not been provided

with a picture of the approved or proposed roof tile. However, it is apparent from plan/drawing P-E202 Revision E that the approved tile is a rustic red colour, and the proposed colour is slate grey. I have considered the appeal on this basis

Main Issue

4. The main issue is whether the condition is reasonable and necessary in order to preserve or enhance the setting of Brancaster Conservation Area and conserve or enhance the landscape and scenic beauty of the Norfolk Coast Area of Outstanding Natural Beauty.

Reasons

5. The appeal site is located on a main thoroughfare into Brancaster adjacent to the Brancaster Conservation Area (BCA) on the northern boundary of the appeal site. Mill Road slopes down into the BCA and the junction with the A149. To the north of the appeal site the BCA is characterised and derives its significance from the red/orange bricks and flint cobble historic buildings under red/orange pantile roofs set along the historic thoroughfares of Mill Road, Chosely Road and the A149. The materials, roof forms and colours are particularly noticeable on rows of Important Unlisted Buildings (IUBs) on the west of Mill Road and fronting Chosely Road, a short distance down the hill from the appeal site. The IUBs contribute to the significance and the overriding character and appearance of this part of the BCA. The red/orange pantile roofs on buildings further up the hill harmonise with these historic roof forms and colours.
6. The National Planning Policy Framework (2019) (the Framework) requires when considering the impact of a development upon a designated heritage asset, such as a Conservation Area great weight should be given to its conservation (paragraph 193). Harm to the significance of a designated heritage asset can also derive from development within its setting (paragraph 194). Where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal (paragraph 196).
7. The appeal site is located in the Norfolk Coast Area of Outstanding Natural Beauty (the AONB), which encompasses the settlement and surrounding land. Within the AONB paragraph 172 of the Framework expects great weight to be given to conserving and enhancing the landscape and scenic beauty, with the conservation and enhancement of cultural heritage being important considerations in the AONB.
8. The appeal site is a generously sized dwelling set on a wide plot. The extensions and alterations subject of permission ref: 19/00041/F were under construction at my visit. The dwelling has a notable presence in the street scene due to its height, width, its forward position in the plot and position on the hill. The front roof is particularly prominent as it includes a catslide type roof from ground floor eaves level (approximately 2.4m high) to a ridge height of approximately 7.5m. Whilst it would be relieved to some degree by the dormer window and row of roof lights, the front roof forms an extensive and visually dominant element of the front elevation. The rear roofs would be occasionally glimpsed from gaps in the street scene and are less extensive as they would be relieved by the first floor façade.

9. Whilst the appeal site dwelling lacks historic significance in itself, its contribution to the setting derives from its location and position on the plot. The introduction of a substantial and extensive grey roof form at the appeal site would appear incongruous, distract from and not complement the BCA and IUBs. As such it would result in harm to the setting of the BCA as a designated heritage asset. The harm to the BCA would be less than substantial harm, which needs to be weighed against the public benefits of the proposal.
10. The plans before me suggest amongst other things white rendered walls, grey window frames, fascia boards and soffits, doors, black rainwater goods and a grey garage door. The slate grey pantile would be in keeping with the appeal site dwelling; however, it would be harmful to the setting of the BCA. Even if I were to agree that it would complement the dwelling and consider this a benefit of the scheme, compared to the approved roof it would be a very minor benefit, that does not outweigh the harm to the setting of the BCA. Therefore, on the basis of the evidence before me, the public benefits of the scheme do not outweigh the harm to the BCA.
11. The appellant has set out examples of other roof materials present in the BCA, some of which were understood to be newer developments. 'Yasumi' lies adjacent to the north of the appeal site within the BCA. This was under construction, integrating some extensions and alterations roofed in a zinc material. I have not been provided with the full details of this development or the circumstances surrounding its approval. Therefore, a direct and reasoned comparison is difficult. However, it appeared the elements of the building most closely related to the nearby IUBs in the BCA appeared to retain red pantiles. The zinc elements appeared set back further from Mill Road and those closest to Mill Road were lower than the appeal site, such that the roof appeared less prominent. Therefore, it appears to have a less impact upon the BCA.
12. I was not able to find or view all examples provided by the appellant, and I have not been provided with the full details or circumstances of those developments (e.g. any fall-back positions that might have been available, material considerations, public benefits, or planning policies in-force at the time of their approval). Some buildings appeared in a different visual context to the appeal site (for example in relation to main historic thoroughfares), a differing impact upon the setting of heritage assets, or made a different contribution to the street scene. Many such roofs off Marshide and Links View have closer relationship to small collections of buildings off the A149 with darker roofs. However, the use of non-red pantiles within the BCA appeared limited, such that it is not the overriding character of the BCA. In any event, I have considered the appeal proposal on its own merits.
13. For the reasons set out above the proposed development would be contrary to paragraphs 193, 194 and 196 of the Framework. It would result in less than substantial harm the setting of designated heritage assets, for which there are no public or other benefits that outweigh the harm. The development would also conflict with Policies CS08 and CS12 of the Kings Lynn & West Norfolk Borough Council Local Development Framework and Core Strategy (2011) and Policy DC15 of the Council's Site Allocations and Development Management Policies Plan (2016). In combination and amongst other things these policies require development protects and enhances the historic environment, including through high quality design and use of materials.

14. I have noted the Council's reference to the Norfolk Coast AONB. The position of the appeal site within the built-up limits to Brancaster and the surrounding buildings and vegetation, means that there would be no discernible harm to the wider AONB landscape. However, harm to the AONB arises from the less than substantial harm to the BCA which contributes to its scenic beauty. Therefore, in this regard there would be conflict with paragraph 172 of the Framework and Policy CS12.

Other Matters

15. The Council's conservation adviser has referred to nearby listed buildings. Most of these are IUBs as set out above. St Mary's Church (a designated heritage asset) lies approximately 150m north of the appeal site. Special regard should be given to the desirability of preserving the setting of Listed Buildings as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst there is some inter-visibility between the church tower and the appeal site, the distance, angle of the gable roof and the intervening buildings, means the change in the roof colour would not have a perceptible effect on the setting of the church, so the effect would be neutral. Therefore, this has not been a determinative matter.

Conclusion

16. I conclude that the proposal would be contrary to the development plan and the Framework and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR