



Appeal Decision

Site visit made on 18 February 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/M1595/W/19/3241330

2 Hall Lane, South Ockendon RM15 6SH

- 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 Matthew Harding against the decision of Thurrock Borough Council.
 - The application Ref 19/00896/FUL, dated 6 June 2019, was refused by notice dated 20 September 2019.
 - The development proposed is for development of a well-designed, contextual 2-bedroom residential dwelling house on the property known as 2 Hall Lane, south Ockendon, Essex RM15 6SH. The site neighbours land, which is owned by the same owner, and contains an existing, recently-renovated 1-bedroom residential unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Despite the description of development set out above, I consider the description found on the Decision Notice and the Appeal Form better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for a 'two storey detached dwelling with new vehicular access and associated hardstanding and landscaping'. I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the setting of the Grade II listed buildings known as the Royal Oak Inn and the Gateway and Moat Bridge to South Ockendon Hall, the scheduled moated site of South Ockendon Hall and the scheduled Roman Barrow to the north of the Hall, and the effect on the significance of 1 and 2 Hall Lane, as non-designated heritage assets.

Reasons

4. The appeal site is an irregular shaped parcel of land, which was previously part of the garden of 2 Hall Lane. The southern frontage boundary is a low-level brick and rubble wall and the eastern boundary is marked by mature trees. The built edge of the settlement is very clear and terminates distinctly to the west of 1 and 2 Hall Lane. To the west, buildings are more densely arranged around the village green and North Road but, to the east, the grain of

- development is more loosely spaced with pairs of two-storey cottages set back from the lane frontage within larger landscaped plots. These changes define what is more urban and rural in form. Moreover, the relatively small scale of Nos 1 and 2 in relation to their plots and the lane, as well as the extent of undeveloped frontage towards the cottages to the east provides a transition to the large areas of open and undeveloped agricultural fields beyond to the east.
5. Taken together these stated features, particularly the pleasant space and landscaping between built development, creates a clear and distinct pattern to development. This makes a significantly positive contribution to the street scene and the rural edge of the village and, therefore, the character and appearance of the area.
 6. There are similarities in the architecture of 1 and 2 Hall Lane, which flank the lane, as both dwellings feature gothic style window openings, rendered façades and hipped pitched slate roofs. Although the buildings are now in private residential use, it is likely that they previously formed lodge housing for South Ockendon Hall. In light of this, the Council considers the buildings to be non-designated heritage assets.
 7. Hall Lane is a narrow route and the historic approach to the Hall, the grade II listed Gateway and Moat Bridge and the Scheduled Ancient Monuments neighbouring, namely the moated site of South Ockendon Hall and a Roman Barrow. Together the moated site, Gateway and Moat Bridge survive as good examples of such a site and associated structures. Their significance is derived, at least in part, in their association with the former Hall, a prestigious manor house that once occupied the moated site. The significance of the Roman Barrow is derived from it being a rare surviving example of a traditional East Anglian Roman burial mound, that has largely not been disturbed. As there is no other access to these designated heritage assets, the Council also considers that Nos 1 and 2 and the entrance to the lane form part of their setting.
 8. The appeal site also lies to the north of the Royal Oak Inn and 1 Hall Lane adjoins this grade II listed building, which probably dates from the 15th or 16th Century. The significance of the building is derived from its architectural and historic interest, including its relationship with the village green. The building is a two-storey timber frame public house, with gabled crosswings at each end of its red tiled roof, which incorporates red brick chimney stacks. It is finished in white render and the front façade includes eight sash windows and two entrance doors.
 9. I am mindful of the definition of 'setting', in the National Planning Policy Framework (the Framework), as being the surroundings in which a heritage asset is experienced and that this is not fixed and may change as the asset and its surroundings evolve.
 10. Hall Lane is the only access to the designated heritage assets situated at the Hall, so therefore makes an important contribution to the significance of the assets, particularly in terms of the journey toward their more isolated rural context. The dwellings at 1 and 2 Hall Lane, together with their relationship with the entrance to lane and the undeveloped land that surrounds them, also provide a rural context which forms an integral part of the historic setting of these designated heritage assets and contribute to their understanding and significance. The existing built development beyond Nos 1 and 2 along this

historic approach makes a neutral contribution to the significance of the assets given the more loosely spaced arrangement of buildings.

11. I appreciate that the proposal would be arranged to the oblique building line from No 2 to No 5 and set against the backdrop of mature tree planting within the site, which would also partially screen views of the proposal from the east. I also note that the proposed dwelling has been designed to mimic Nos 1 and 2, particularly through its materials palette. Be that as it may, it would be unrelated to the smaller scale of these dwellings and would occupy the majority of the width of the site. The proposal would also be prominent in the backdrop of views of Nos 1 and 2 from the west into Hall Lane and clear views of the appeal site are available from Hall Lane. The form and scale of the proposed dwelling would therefore compete with Nos 1 and 2, which are the only purpose designed and built residential accommodation to either side of the entrance to Hall Lane.
12. Planting could be put in place to soften the appearance of the development but this would be unlikely to have a meaningful effect due to its scale. In any event, I do not subscribe to the notion that development that would be visually harmful would be acceptable if it can be hidden.
13. The proposal would therefore introduce a discordant form of development that would disrupt the undeveloped and spacious characteristics that contribute to the existing pattern of development in the surrounding area and the setting of Nos 1 and 2, as non-designated heritage assets, and the part of the setting, around the entrance to Hall Lane, of the designated heritage assets situated further to the east.
14. Although I appreciate that the designated heritage assets in the vicinity of the Hall are some distance from the entrance to Hall Lane, Nos 1 and 2 and there are several intervening cottages that would reduce the visibility between them. However, I do not find the absence of a visual connection to be a determinative factor, as it is the physical presence, form and scale of the proposal that would be harmful to the significance of these more distant heritage assets.
15. In terms of the setting of the Royal Oak Inn, while the proposal would be visible from the street outside the listed building and from the village green, it would be set back some distance and behind No 2. The scale of the building and its materials of construction would also ensure that it would not compete with the listed building. The proposal would not therefore have a harmful effect on the significance of this designated heritage asset.
16. I note that historic mapping of the area illustrates that, up until the early 20th Century, the garden of No 2 was subdivided to the northeast and a building occupied part of the appeal site from the mid-to-late 19th Century until that time. Although it is unclear what use that building may have taken, the mapping indicates that it would have been considerably smaller than the proposal and set back further from the lane. That building would not therefore form a historic precedent for development of the scale or form of the proposal.
17. I observed that a single storey dwelling has been erected adjacent to 2 Hall Lane, as part of the wider consent for two properties¹. Although this appears to occupy a large portion of the land surrounding it, that site is associated with

¹ Planning Reference: 16/00663/FUL for a 2-bedroom bungalow and 1-bedroom cottage.

the denser arrangement of buildings closer to North Road, whereas the appeal site is toward the rural edge. Nonetheless, the presence of that dwelling would not justify the harm that I have identified in relation to the appeal proposal.

18. Similarly, in support of the appeal, my attention has also been drawn to several other planning permissions granted by the Council nearby² for dwellings. Whilst I appreciate that the Council may well have granted permission for other dwellings locally, I am not aware of the full circumstances of those cases. In any event, I have considered the appeal scheme on its own individual merits.
19. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposals would be harmful to the setting of the moated site and associated listed buildings and the Roman Barrow, which would have a negative effect on their significance as designated heritage assets. This would equate to less than substantial harm to the significance of the designated heritage assets. Paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
20. In the context of Paragraphs 59 and 68 of the Framework, I note the contribution that would be made to the supply of housing by this small site, particularly as it could be built-out relatively quickly. There is no threshold for the assignment of weight to the quantum of residential development but I note that the proposal would deliver a small family home, which would contribute to the overall housing mix in the Borough.
21. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period. Future occupiers would also contribute to the local economy through expenditure, including further afield by use of bus and rail linkages.
22. In accordance with paragraphs 195 and 196 of the Framework, considered together, I conclude that the public benefits I have outlined above do not outweigh the great weight to be given to the less than substantial harm that I have identified.
23. For the reasons outlined above, despite my findings in relation to the setting of the Royal Oak Inn, I conclude that the appeal scheme would have an unacceptably harmful effect on the character and appearance of the area and would be harmful to the setting of the other Grade II listed buildings, Scheduled Ancient Monuments and the significance of 1 and 2 Hall Lane, as non-designated heritage assets. Hence, the proposal would not accord with Policies CSTP22, CSTP24, PMD2 and PMD4 of the Council's Core Strategy and Policies for Management of Development (Focused Review: Consistency with National Planning Policy Framework, Adopted January 2015) (the CS). Together these policies seek to promote high quality design in the Borough, founded on a thorough understanding of, and positive response to, the local context, whether urban or rural, including the character of the area. The historic environment will be preserved or enhanced, by promoting the importance of heritage assets, including their settings and retaining non-designated heritage assets which are considered locally important.

² Planning References: 16/00720/FUL, 17/00561/FUL, 17/00823/FUL, 17/01461/FUL,

24. The proposal would also not accord with paragraphs 193 and 197 of the Framework. The former requires when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The latter requires consideration of indirect or direct effects on a non-designated heritage asset.

Other Matters

25. I note that the Council did not raise concern with respect to the location of the proposed development within the village, the living conditions of future occupiers and existing neighbouring occupiers, parking and highway access, ecology or drainage. Based on the evidence before me, consideration of these matters would not alter or outweigh my conclusion on the main issue.

Planning Balance

26. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
27. The development plan for the area includes the CS, which predates the current Framework. However, Paragraph 213 of the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework.
28. In the context Policies CSTP22 and PMD2 of the CS, the approach to design in the Borough does not differ from the approach to achieving well designed places, as set out in section 12 of the Framework. Policy PMD4 of the CS requires consideration of the approach set out in the Framework to the determination of applications affecting the Borough's built or archaeological assets. Furthermore, Policy CSTP24 of the CS links to Policy PMD4 and requires consideration of relevant national guidance. The policies most important for determining the appeal are therefore closely aligned with the aims of the Framework. Accordingly, the policies are up to date and I have afforded them full weight in the determination of the appeal.
29. The 2019 Housing Delivery Test (HDT) results were published on 13 February 2020 and indicate that the Council only managed to deliver 66 per cent of the total number of homes required in the Borough within the previous three years. The HDT results indicate that, when applying paragraph 73 of the Framework, a change to the buffer (moved forward from later in the plan period) should be applied to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the Council's housing requirement, is necessary.
30. Even if I was to determine that the Council could not demonstrate a five-year supply of deliverable housing sites, which would engage footnote 7 to paragraph 11 of the Framework, I am mindful that in light of my finding in relation to heritage matters, paragraph 11d) i) of the Framework would apply. Accordingly, as the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the

proposed development, the proposal is not sustainable development, for the purposes of the Framework and therefore, the presumption in favour of sustainable development does not apply.

31. I have already identified the benefits of the scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets, in this case the setting of two Grade II listed buildings and two Scheduled Ancient Monuments. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to the character and appearance of the area and the setting of the non-designated and designated heritage assets. The proposal would not amount to sustainable development under the terms of the Framework. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.
32. In the final balance, I consider that the harm to the character and appearance of the area and the setting of the non-designated heritage assets, listed buildings and Scheduled Ancient Monuments would outweigh the benefits of the proposed development outlined above. Therefore, the other material considerations in this case do not indicate that the appeal scheme should be determined other than in accordance with the development plan.

Conclusion

33. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR