



Appeal Decision

Site visit made on 9 March 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2020

Appeal Ref: APP/Y2620/W/19/3238583

Breck Lodge, Holt Road, Aylmerton, Norfolk NR11 8QD

- 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 Andy Young against the decision of North Norfolk District Council.
 - The application Ref PF/19/0676, dated 18 April 2019, was refused by notice dated 4 September 2019.
 - The development proposed is 'demolition of existing dwelling and erection of replacement dwelling'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs was made by Mr Andy Young against North Norfolk District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The appeal has been submitted with amended plans proposing the partial retention of Breck Lodge as a bat roost. This is an evolution of the appeal scheme and is a significant alteration because the development would no longer involve the complete replacement of Breck Lodge. The changes directly relate to concerns that have been raised and therefore should be subject to formal public consultation. As such, interested parties would be prejudiced by me accepting these drawings and therefore I have confined my considerations to an assessment of the plans originally submitted.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed dwelling would be disproportionately larger than the existing house with a materially greater impact on the countryside;
 - The effect of the proposal on Breck Lodge, a locally listed building;
 - Whether the proposal would preserve or enhance the North Norfolk Area of Outstanding Natural Beauty (AONB);
 - The effect of the proposed development on protected species, namely bats.

Reasons

Whether the proposed dwelling would be disproportionately larger

5. The appeal site encompasses Breck Lodge, a detached two storey dwelling set within a large and wooded garden. The appellant also owns an area of dense mature woodland that screens the appeal site from Tower Road. There is a hedge separating Breck Lodge from the A148, but it is still clearly visible from this road. The property is a good example of the local vernacular, is attractive and has modest conventional proportions that sit comfortably in the wooded setting. As such, it does not detract from the character and appearance of the countryside and nor does it appear unusually diminutive.
6. The proposed dwelling would have a similar ridge height to Breck Lodge, but it would otherwise be notably larger due to a considerably greater width. The flat roof form would also result in a higher eaves line and therefore the new building would be perceived as having a significantly greater massing and bulk than Breck Lodge as it stood originally and as it is now. The proposed dwelling would therefore be disproportionately larger than Breck Lodge and would be so in a way that would dominate the appeal site given the more central siting.
7. In coming to this view, I have taken account of the extent to which Breck Lodge could be extended through permitted development rights granted by the GPDO¹, although its location within the AONB places some limitations in this regard. Nothing of substance has been provided demonstrating that the appellant would actually seek to extend the building in this way and if he were to do so, how and to what extent. As such, this would seem to be nothing more than a hypothetical fallback position that attracts very limited weight. Accordingly, the proposed building would have a much greater floor area than the existing and this is a further indicator that the replacement dwelling would be disproportionate in size.
8. The disproportionate bulk and massing of the proposed dwelling relative to Breck Lodge would result in the new structure having a materially greater impact on the countryside due to its greater presence when viewed from Holt Road. The large areas of glazing would exasperate this impact, particularly at night. The overall massing of the building would also be larger than most of the surrounding structures. This would make it appear prominent and out of place. The significantly larger scale of the proposed building when compared to Breck Lodge, with the greater visual impact this would entail, would harm the rural character of the countryside by introducing a notable increase in the extent of new built development that would be apparent.
9. The appellant's Landscape and Visual Impact Assessment has demonstrated that the appeal site has a limited visual envelope. The new dwelling would also be set back into the site and cut into the land. It would be finished in dark materials and the use of flint would provide a nod to the local vernacular. These factors would lessen the impact and presence of the building. They would not, however, extinguish the harm. The considerably greater massing and linear flat roofed form of the building would ensure that a materially greater and harmful impact upon the countryside would still occur.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

10. The appellant has referred to other large replacement dwellings in Aylmerton and West Runton which have been approved by the Council. But these would have been considered on their individual merits in the context of the specific sites. They have not set a generalised precedent for allowing disproportionately sized replacement dwellings such as that proposed.
11. In conclusion, the proposed replacement dwelling would be disproportionately larger than Breck Lodge with a materially greater and harmful impact on the countryside. This would be contrary to Policy HO8 of the Core Strategy (CS)², which seeks to protect the character and appearance of the countryside by ensuring the scale and massing of buildings are suitable and relate sympathetically to the surrounding area.

The effect of the proposal on Breck Lodge

12. Breck Lodge is a period property probably dating from the late 19th Century. The central placement of the front door within the front elevation, the position of sash windows either side and the use of two chimneys to articulate the ridge provide a very pleasant and refined symmetry to the building. This balance and harmony is reflected further in the landscaping of the front garden where a central path is accessed through attractive iron railings.
13. The composition of the front of the property is very striking and can be seen from the A148, at least when the hedge is not in leaf. The quality of the front elevation is further elevated by the decorative brick work along the plinth, brick bands and around the windows and doors. Time consuming and intricate galletted flint adds an extra layer of detailing, albeit in a rather relaxed style. The quality of the building continues to the rear where the flint is pleasantly laid in graded courses. There is some brick detailing and the casement windows have pleasing proportions. The modern conservatory is a detractor but not to a significant extent. Thus, the building has significant aesthetic and architectural value that justifies the local listing.
14. The polite and elegant composition of the front elevation along with design features such as the galletting, sash windows, brick detailing and panelled front door were probably deliberately employed to give the building an elevated degree of quality and status. This is unsurprising given the historic connections with the Felbrigg estate. Within this estate Breck Lodge was probably a satellite farm that originally stood in isolation surrounded by woodland. It therefore stands out against the nearby 20th Century housing even though the historic context has been altered with the original outbuildings converted and the surrounding farmland developed.
15. Thus, Breck Lodge is one of the oldest buildings in the vicinity and therefore its presence aids the interpretation of local history and the morphology of the area. The use of pantiles and flint reinforces the North Norfolk vernacular and the areas local distinctiveness, history and character. As a consequence, the building, in a local sense, has historic and evidential value.
16. The architectural, historic and cultural value of the building results in a degree of local significance of a high order. The presence of other flint buildings in the wider locality lessens its rarity but does not diminish its quality or the importance such structures have to the character of the area more generally.

² North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies 2008

17. Accordingly, Breck Lodge is clearly a non-designated heritage asset regardless of when it was entered onto the 'local list'. The proposal would involve the total demolition of Breck Lodge and this would result in a complete loss of its significance. The impact of the appeal scheme on the building, which is a non-designated heritage asset, would be severe.
18. In conclusion, Breck Lodge has a high level of local significance and clearly makes a positive contribution to the character and appearance of the area. The demolition of the building would therefore be contrary to Policy EN8 of the CS, which states that consent to demolish such buildings will not be permitted. The demolition of Breck Lodge would also harm local distinctiveness and remove a building that contributes positively to the character and appearance of the area contrary to Policy EN4 of the CS.

Whether the proposal would preserve or enhance the North Norfolk Area of Outstanding Natural Beauty (AONB)

19. The appeal site falls within the Wooded Glacial Ridge Landscape Character Area (LCA) as defined by the North Norfolk Landscape Character Assessment 2018. This LCA is nearly wholly within the AONB. One of the valued features and qualities of the LCA is the richness of the historic environment with the erosion of traditional character, light pollution and the enlargement and gentrification of properties being listed as detractors.
20. The demolition of an attractive traditional building that exhibits the pleasant rural vernacular of North Norfolk would adversely impact upon the landscape character of the area. Its replacement with a much larger and ubiquitous dwelling, albeit with flint detailing, would not conserve a valued feature of the North Norfolk AONB and would introduce some detractors. The dwelling would also encroach upon the more wooded part of the site eroding its wooded character. Landscaping would not address this impact as it would take time to mature and would need to be away from the house to ensure adequate penetration by day and sun light.
21. Walnut Tree T3 is listed in the Arboricultural Assessment as a Category B specimen with a 20-40-year life expectancy. This is despite the heavy historic pruning. Accordingly, its felling would be regrettable and harmful, especially as it would take a long time for any replacement planting to reach the same level of maturity. Its removal also seems unjustified given the presence of an existing driveway, which negates the need for a new one to be sited in the way proposed. The loss of the tree would also result in the new dwelling being more exposed to views from the A148 than if the tree had been retained.
22. Accordingly, the landscape of the AONB would not be conserved placing the proposal at odds with Policies EN1, EN2 and EN4 of the CS.

The effect on bats

23. Surveys have concluded that brown long-eared bats are roosting in the main loft void of Breck Lodge and this is likely to be a maternity roost. There was also evidence of a day roost for common pipistrelle bats. Thus, the demolition of Breck Lodge would have a significant effect on these European Protected Species. As demolishing Breck Lodge is integral to the proposal it would not be possible to avoid or mitigate this impact. Hence appropriate compensation would be required to ensure the demolition of the building does not result in a

net negative effect on the conservation status of the bats. The appellant and Council agree that a compensatory roost could, in theory, be successfully created elsewhere within the appeal site and I have no reason to disagree.

24. However, there is an absence of detailed knowledge about the characteristics of the existing roost, which is required to inform the design and siting of any new roost. For example, the nature of the space, the type of timbers and surfaces, the number of access points and the temperature and humidity. Consequently, without this information it cannot be assumed that the compensatory roost building proposed would provide a like for like habitat that would compensate for that lost.
25. In fact, the proposed roost would be smaller than the roof void at Breck Lodge and lack the same level of shading. It would also be orientated differently. Thus, there is a risk that the compensatory roost would not be of an equivalent value to the bat species and therefore the extent to which bats would be affected by the proposed development is unclear.
26. Given the lack of information, it would be inappropriate to impose a planning condition requiring a scheme of compensation to be submitted for approval because the prospect of this being successful is too uncertain. Therefore, I share the Council's reservations over the likely success of Natural England granting a license to disturb the protected bats in Breck Lodge. Accordingly, the proposal would be contrary to Policy EN9 of the CS, which seeks to secure development that protects biodiversity.

Other Matters

27. For the reasons given the appeal scheme would be contrary to the development plan. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration of significant weight. Paragraph 213 of the Framework states that due weight should be given to policies according to their consistency with the Framework.
28. Policies EN1, EN2, EN4 and EN9 are broadly consistent with Paragraphs 127, 172 and 175 of the Framework and therefore the conflict with them carries significant weight. However, Policy EN8 lacks consistency with Paragraph 197 of the Framework, which takes a balanced approach to any harmful adverse effects on non-designated heritage assets as opposed to the prohibitive approach in Policy EN8.
29. As such, the appellant has submitted a structural report in an attempt to justify the demolition of Breck Lodge. The report has been prepared by an expert, but this does not make it beyond scrutiny. The report identifies the presence of a few significant cracks that are likely to indicate movement and speculates that underpinning may potentially be required to address the issue along with the rebuilding of one gable wall. However, such a conclusion would be premature in the absence of further investigation. There is evidence of rising and penetrating damp, but the report is inconclusive in respect of the cause. The property has been vacant for some time which could be a contributory factor. Without further justification it is unclear whether vapor barriers are necessary and in line with usual conservation practice.

30. The report also identifies deformed purlins and first-floor ceiling joists. Again, the precise cause is unclear although it may be down to woodworm or water penetration. It is therefore recommended that the entire roof and first floor is replaced. Other than this very drastic and expensive solution the report does not consider any other options. The ground floor is a little unlevel, probably due to it being laid on a thin layer of material. However, this is not particularly unusual in an historic property. Therefore, it would seem excessive to replace the entire ground floor with a concrete slab. The report suggests that all window frames are rotten and crumble at the touch, but this was not the case during my site visit. There is no substantive evidence before me to suggest the windows cannot be repaired and retained.
31. Even if I were to accept that the list of works identified in the report were all essential, which I do not based on the information before me, the costs are unsubstantiated and it is also unclear whether the new build replacement comparison would have the same quality as the existing building. Accordingly, I find the structural report unconvincing as a justification for demolishing the Breck Lodge. That said, I am in no doubt that the building requires a significant programme of works, much of which relates to the general periodic updating most properties require over their life. When selling the property, the previous owner was advised that around £150,000 may need to be spent and the property was marketed with this in mind. The appellant apparently secured the property significantly below the asking price, with a further discount for the drainage works. This would suggest that the defects could be economically remediated.
32. The proposed dwelling would likely be constructed with a better environmental performance than the existing building, but this would nearly always be the case when a historic building is to be replaced. As such, this alone does not justify the proposal. Any benefits to the construction identity would short lived. In isolation the proposed dwelling would not be unattractive and would be reasonably interesting, being an interpretation of a 'Hall House'. However, it would not be of a standard of architecture that would justify, or compensate for, the loss of Breck Lodge. Given the significance of the latter, this is a high bar to negotiate that the proposal is some way off.
33. Thus, when applying the balanced approach in Paragraph 197 of the Framework, I find that the heritage asset has a high level of significance and the proposal would result in considerable harm to it. The points discussed above would not outweigh this harm let alone the totality of adverse impacts I have identified. This does not indicate a decision should be taken other than in accordance with the development plan.

Conclusion

34. 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, the appeal fails.

Graham Chamberlain
INSPECTOR