



Appeal Decision

Site visit made on 8 June 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2020

Appeal Ref: APP/K2610/W/19/3242172

Church View, Church Road, Lingwood and Burlingham, Norwich NR13 4TR

- 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 Robert Smith against the decision of Broadland District Council.
 - The application Ref 20190881, dated 28 May 2019, was refused by notice dated 4 September 2019.
 - The development proposed is 1) Demolish Partially Demolished Non-standard Bungalow, 2) Erect 6 Bedroomed House, 3) Erect 11m x 5.5m Outbuilding and 4) Temporary Caravan.
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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 better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore to 'Demolish bungalow and erect 4 bedroomed house and outbuilding'. I have therefore dealt with the appeal on this basis.
3. As part of the appeal, the appellant provided application drawings from a previously withdrawn planning application¹ for the site, the original drawings that accompanied the planning application the subject of this appeal and subsequent amended drawings for three design options. Clarification was sought from the Council of the drawings upon which their determination was made and appellant was invited to comment on this matter. However, the floor plan drawings illustrate a balcony that has been omitted from the elevations. The appellant has confirmed its deletion as part of the appeal. With cognisance of the 'Wheatcroft Principles' I consider that the change is minor and I am satisfied that no party would be prejudiced by my taking these amendments to the floor plans into account in my determination of this appeal. I have therefore dealt with the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the setting of the Grade I listed building known as the Church of St. Peter.

¹ Planning Reference: 20180897

Reasons

5. The appeal site concerns a single storey property situated in reasonably large grounds to the southern side of Church Road, which has partially collapsed following demolition work previously undertaken. The site is bound by tall planting to all sides, apart from part of the eastern boundary, which is more open. A public footpath lies a short distance to the west and leads south along the western edge of the neighbouring agricultural field toward Post Office Road. The Grade I listed Church of St. Peter is located on the opposite side of Church Road.
6. The parish Church of St. Peter probably dates from the 14th Century but its tower possibly has earlier origins. The significance of the church is derived from its architectural and historic interest. In particular, the use of flint and stone in its construction ensures that the architecture is typically ambitious and decorative. The flint is of irregular sizes but arranged in regular coursing and to arches of windows alternating with brick. Limestone is also used extensively in dressings of quoins, copings, banding, door and window frames, and to the ridge of the nave, which is long and buttressed to either side. The top of the bell tower is marked by embattled parapets with corner pinnacles and openings to all faces.
7. The Church occupies extensive grounds that are largely open to Church Road but enclosed by mature planting to the north, east and west. The presence of roadside planting means that views from the east of the Church and its grounds emerge but these are likely to be more extensive when hedges and trees are not in leaf. The site and its relationship with the Church are also evident in largely unobstructed views, across agricultural fields from the west in Heater Lane and Church Road and, from the south, in Post Office Road.
8. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. In so far as is relevant to this appeal, the smaller scale of built development in the largely undeveloped and open landscape surroundings of the Church provides a rural context which forms an integral part of the historic setting of this listed building. This contributes to its understanding and significance and the character and appearance of the area. Moreover, the built development within the context of the site, including what remains of the property known as 'Church View', appears unassuming and nestles into the landscape. The absence of taller built form in close proximity of the Church and the topography of its surroundings has therefore created close, contained views, dominated by the tower of the Church. As outlined in the Council's landscape appraisal² isolated churches, such as the listed building, are a distinct and repeated feature within the area.
9. I appreciate that the design of dwellings within the locality varies greatly and the proposal has been designed to mimic a parsonage house, using a palette of carefully considered materials and could incorporate renewable technologies and energy conservation techniques. Furthermore, the appeal site is not unspoilt like many of the surrounding open agricultural fields. Nonetheless, the proposed dwelling would be to a T-shaped plan, positioned to the west of the site with a wide frontage, a long rear projection and tall roof. The scale and

² Broadland District Council Local Development Framework Landscape Character Assessment Supplementary Planning Document (SPD) September 2013.

mass of the proposed dwelling would therefore be manifestly larger than the existing built presence within the site and unrelated to the subservient nature of other dwellings situated in the countryside surrounding the Church. Hence, the proposed dwelling would compete with the Church, particularly its tower, as the dominant building in this rural landscape. This would be harmful to the character and appearance of the area and the setting of the listed building.

10. The aerial and site photographs of the site, provided by the appellant, previously illustrated manicured grounds and lower planting to its boundaries but planting of a greater height has since established. The setting of the Church will therefore have changed over time as a result of the greater extent of planting. Although the mature planting around the site and, to a lesser extent, the grounds of the listed building would reduce the visibility of the proposed dwelling, it would still be likely to be evident above the planting in the views of the Church from the south and west referred to above. Nevertheless, I am mindful that vegetation is subject to seasonal change and is, in any event, ephemeral.
11. The harm that I have identified above would be compounded by the scale of the proposed outbuilding which would be located forward of the proposed dwelling in closer proximity of the Church, adjacent to the roadside. I acknowledge that the Council did not raise concerns in respect of this part of the proposal and this was originally proposed to be positioned further back in site. Similarly, I note that the Council's Historic Environment Officer and Design Officer did not raise concerns in respect of the proposal or the setting of the Church. Furthermore, I acknowledge the petition signed by a significant number of individuals, following the refusal of planning permission by the Council, that support the appeal proposal; and other support for the amended design of the proposal. However, as part of my statutory duties (see below), I have considered the entirety of the proposal, as determined by the Council, afresh in light of the evidence before me.
12. The Council has granted a Certificate of Lawful Use or Development³ (CLUD), which determined that there is a lawful residential use for the now partially collapsed property that occupies the site. Furthermore, I note that the appellant withdrew an application⁴ for a further CLUD to establish whether a previous planning permission for a dwelling⁵ is extant. The details of that scheme are not before me but I note that it was for a one-and-a-half storey dwelling. Whilst it is unclear whether it would constitute a fallback position in relation to the redevelopment of the site and the replacement of the bungalow, it would be of a scale not comparable with the appeal scheme, so it would have very different effects.
13. 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 listed building, which would have a negative effect on its significance as a designated heritage asset. Paragraph 193 of the Framework requires that great weight be given to the conservation of designated heritage assets, irrespective of the level of harm. However, in my view this would equate to less than substantial harm to the significance of the designated heritage asset. Paragraph 196 of the

³ Planning Reference: 20171617, granted 20 November 2017.

⁴ Planning Reference: 20121199.

⁵ Planning Reference: 010509, granted permission on 27 September 2001.

Framework identifies that this harm should be weighed against the public benefits of proposals.

14. I note the contribution that would be made to the overall mix of housing in Broadland by the proposal, particularly as it could be built-out relatively quickly. The proposal would thus deliver one large family home in place of the existing partially collapsed dwelling within the site.
15. Some economic benefits would arise from, for example, employment and procurement of materials during the short term period of construction. Future occupiers would also contribute to the local economy through expenditure.
16. I appreciate that the proposed development could bring the site back into use and, in doing so, reduce the risk of fly tipping, antisocial behaviour and visual blight. However, I am not persuaded that the appeal proposal would necessarily be the only means of seeking to address such matters.
17. 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.
18. For the reasons outlined above, 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 listed building. Hence, the proposed development would not accord with Policies GC4 and EN2 of the Broadland District Council Development Management DPD 2015 (Adopted 3 August 2015) (DMDPD) and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014) (JCS). Together these policies require that, in order to protect the character of the area, development proposals should consider any impact upon as well as seek to protect and enhance where appropriate, visually sensitive skylines and important views; and reinforce local distinctiveness through careful consideration of the appearance and scale of new development. The development would also fail to accord with the Framework which gives great weight to heritage assets, and seeks to conserve assets in a manner appropriate to their significance.

Other Matters

19. The appellant has referred to the conduct of the Council in the determination of the planning applications for the site, including the clarity and nature of the advice given and the approach to and consistency of its decision-making. These are primarily not matters for me to consider as part of this appeal and I have considered the individual merits of the appeal scheme in relation to my statutory duties and the planning policies and evidence before me.
20. Despite concerns by a third party in respect of nesting turtle doves, I note that the application was supported by an ecological report and additional information, which led the Council to not raise any concerns in respect of the ecological potential of the site, subject to conditions. Similarly, no archaeological work would be required in connection with the proposal and, subject to conditions, neither the Highway Authority nor the Council raise any concerns on the grounds of highway safety, including the visibility splay for the site. Given the layout of the proposal and the intervening distances achieved,

there would not be harm caused to the living conditions of the occupants of nearby properties. There is no substantive evidence that would justify me coming to a different conclusion in respect of any of these matters. Nevertheless, none of these matters alter or outweigh my conclusion on the main issue.

Conclusion

21. For the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR