



Appeal Decision

Site visit made on 1 October 2020

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02/11/2020

Appeal Ref: APP/D3505/W/20/3252989

Woodean, Links View, Newton, CO10 0QT

- 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 & Mrs Luke, Lauren Tuffin, Vella against the decision of Babergh District Council.
 - The application Ref DC/20/00019, dated 3 January 2020, was refused by notice dated 14 February 2020.
 - The development proposed is described as 'Construction of a traditional 1.5 storey dwelling in keeping with houses within the village. Traditional redbrick Flemish bond with a clay peg tile roof and slate catslide roof'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and on the setting of The Deans, a Grade II Listed Building.

Reasons

Character and Appearance

3. The appeal relates to a roughly rectangular shaped piece of grassed land that is located on a prominent corner position next to the junction of the A134 and Links View. The Deans, a Grade II Listed Building, lies to the east of the appeal site, and is a large and prominent building set within spacious grounds. The character of the immediate area, which is predominantly residential, typically comprises detached dwellings set within relatively spacious, large plots.
4. The appellants contend that the design of the proposal reflects the architecture in the village, that the proposed footprint of the building would only occupy 27% of the site and that a further 82m² would be utilised for car parking. They calculate that the total space occupied for parking and construction would be 46% of the site.
5. Nonetheless, I have taken the present condition of the land as the starting point for assessing the impact on the character and appearance of the area. This open, undeveloped land clearly contributes to the spacious layout along this part of the A134 highway and the setting of The Deans.

6. Although I have had regard to the figures and measurements presented by the appellant, and the design and footprints of the neighbouring properties at the Old Stables and Haybarn, the proposed dwelling would occupy a significantly smaller plot than these and other existing nearby dwellings. It would inevitably have considerably less space around it and a smaller garden area than is typical for the locality. Whilst vegetation would screen some views into the site from Whisper Woods and Haybarn, the proposed development would be clearly visible from the A134 and along Links View. As a result, it would appear cramped and out of context with the prevailing pattern of development and spacious layout of the immediate surroundings.
7. My attention has been drawn to examples of other developments in the area, including those on Kettlebaston and Bures Road which are shown in a number of photographs that the appellants have submitted. The appellants have also referred to developments opposite to the Saracens Head, and to the north of the village which they consider to have very small garden areas. However, I do not have the full details that led to all of these examples being accepted before me so I cannot be sure that their circumstances are directly comparable to those which apply in this appeal. I have, in any case, determined the appeal on its own merits.
8. I therefore find that the development proposed would have a significantly harmful effect on the character and appearance of the area. As such it conflicts with Policies CN01 and HS28 of the Babergh Local Plan 2006 (LP) and Policy CS15 of the Babergh Local Plan 2011-2031 Core Strategies & Policies 2014 (CS). Amongst other things, these seek to protect the character of the locality, by having regard to the size, scale, form and layout of the proposed development, adjacent development and its surroundings.

Setting of a Listed Building

9. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
10. The introduction of a dwelling into this area, would erode the open and spacious setting of The Deans and would reduce the presence of this listed building. However, given the degree of separation between The Deans and the appeal site, I consider the harm that I have identified above would be relatively localised and thus, in the parlance of the National Planning Policy Framework (the Framework), would be less than substantial. There would, nevertheless, be real and serious harm which requires clear and convincing justification. 1
11. Paragraph 196 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal. Although I have been made aware that the proposed dwelling would provide an affordable property for the appellants and their family that is in a sustainable location, I do not consider these factors to be of such public benefit as to outweigh the harm caused to the setting of the listed building.
12. As such I find that the proposed development would fail to preserve the setting of The Deans Grade II Listed Building, and would thereby have a materially

harmful effect on it. In this respect, it would also conflict with CS Policies CN01, CN06 and CS15, which require, amongst other things, for development to respect heritage characteristics and heritage assets.

Other matters

13. I note that the appellants consider that the proposal would provide an adequate garden for recreation, and that they have taken into account the comments that were made in respect of the previously refused planning applications, and advice given by the Council for the neighbouring developments at Whisper Woods. I am also informed that amendments to visibility splays and the position of the dwelling have previously been made to overcome highway concerns. The support of the Parish Council and the lack of a consultation response from the Council's Heritage Team have also been put forward as favourable factors in support of the proposed scheme. Nonetheless, these matters do not overcome or outweigh the harm that I have identified above.

Conclusion

14. For the reasons given above, and having regard to all other matters, I therefore conclude that the appeal should be dismissed.

Mark Caine

INSPECTOR