
Appeal Decision

Site visit made on 15 September 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/D3505/W/19/3243324
40 George Street, Hadleigh IP7 5BE

- 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 Mrs M Quinlan against the decision of Babergh District Council.
 - The application Ref DC/19/03577, dated 29 July 2019, was refused by notice dated 12 November 2019.
 - The development proposed is described as "Detached 2 Bedroom Single Storey Dwelling. Construction of new Vehicular Access".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area, with particular regard to whether it would preserve or enhance the significance of Nos 40 and 42 George Street, a grade II listed building, and preserve or enhance the character or appearance of the Hadleigh Conservation Area (CA); and (ii) whether the proposal would provide satisfactory living conditions for future occupiers with regard to noise.

Reasons

Heritage assets

3. I am required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. I am also required under section 72(1) of the Act to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. The appeal site lies within the CA and is part of the rear garden of No 40 George Street (No 40). Nos 40 and 42 George Street is a grade II listed building of 17th Century origins. It is an attractive timber framed building, plastered with thatched roof and overhanging eaves. It is prominent in the street scene. Its significance derives primarily from its physical form and fabric.
5. The character of this part of the CA is essentially residential; a somewhat village feel arises from the variety of buildings of different ages, styles, forms

- and heights and the areas of open green space that lie south of George Street. Part of this openness has been interrupted by the presence of the leisure centre on Stonehouse Road, and the character south of the site is a mixture of public open space, car parking and commercial leisure centre use.
6. Whilst the evidence confirms that the appeal site was once a separate parcel of land not directly associated with the listed building, it now appears very much a part of land associated with No 40. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced and confirms that its setting may contribute to the significance of a heritage asset.
 7. The site's previous use as grassland and then as a small paddock, indicates that it has historically been free from built form. A very modestly sized replacement stable building is present, but this is discretely situated in the north west corner of the site. There is no evidence to suggest that the stable building that was replaced was larger in scale or situated differently. In any case, the site's more recent use as a garden to No 40 has retained its open nature, albeit contained within mature hedgerow boundaries. Having regard to the evidence before me and my observations on site, I consider that the appeal site forms an important component of the setting of the listed building and provides a positive contribution to the CA in terms of its absence of built form and, therefore, open nature, set to the rear of the historic building.
 8. The proposal would result in a single storey dwelling positioned almost centrally within the site. Although situated to the rear of No 40, the proposal would not represent tandem development. This is because it would be served by a new access formed onto Stonehouse Road. Nevertheless, the proposal would clearly result in significant built form, where currently there is none, with a consequent loss of openness to the site. Its presence would be apparent in views of the listed building from George Street and from the higher ground of the public open space to the south of the site.
 9. The spaciousness historically afforded the listed building, has been partially eroded by the presence of the leisure centre to the south and the modest single storey dwelling (No 42A George Street) and its domestic garage, the latter of which is situated close to the eastern boundary of the site. However, the appeal proposal would bring a new dwelling, associated domestic paraphernalia and activity close to the rear of the listed building, further eroding the space around the historic asset. This would be to the detriment of its setting. Consequently, its significance would be harmed.
 10. Additionally, the form of the appeal proposal would be inconsistent with the adjacent prevailing residential plot shape and form, whereby gardens are long and narrow and provide space at the rear of the dwellings they serve. Although the single storey nature of the proposed building would be reflective of No 42A, the scale of the appeal building would be significantly greater than that property. The appeal building would have little space around it, and it would visually dominate the site. Thus, it would appear cramped on its plot. The boundary hedging would screen some views into the site. Nevertheless, the development would result in a fundamental alteration to the site's character. This would be detrimental to the character and appearance of the area and would also, therefore, fail to preserve or enhance the character or appearance of the CA.

11. I conclude that the appeal proposal would result in harm to the character and appearance of the area and the significance of Nos 40 and 42 George Street, and would fail to preserve or enhance the character or appearance of the CA. In terms of paragraph 196 of the Framework the harm to the heritage assets would be less than substantial because the physical fabric of the listed building would not be harmed and the harm to the CA would be localised. The proposal would conflict with Policies CN01, CN06, CN08 and HS28 of the Babergh District Local Plan Alteration No.2 2006 (LP) which require, amongst other matters, for development to respect heritage characteristics and heritage assets. Paragraph 196 of the Framework requires that this harm should be weighed against the public benefit of the proposal in such circumstances. I return to this in the planning balance.

Living Conditions

12. Although the appeal site is in residential use, the appeal proposal would result in living accommodation being situated closer to the leisure centre. The Council is concerned that the living conditions of future occupiers of the proposed dwelling would be unsatisfactory due to the impact of noise originating from the use of the leisure centre.
13. However, there is no objection from the Council's environmental protection team and the use of the leisure centre is subject to hours of opening restrictions. These restrictions would ensure that activity at the centre occurs during reasonable hours of the day and could be enforced by the Council if required. Further, most of the activity at the centre is concentrated within the building. As such, and in light of the lack of any substantive evidence that noise levels generated by the use of the leisure centre would be unacceptable, I do not consider that the proposal would result in unsatisfactory living conditions for future occupiers with regard to noise.
14. I conclude that the proposal would not, in respect of this matter, conflict with LP Policy CN01 which requires, amongst other matters, that developments pay particular attention to the environment surrounding a site. There would also be no conflict with the Framework where it requires development to ensure a high standard of amenity for future users.

Other Matters

15. I have had full regard to the personal circumstances that have given rise to the proposal. Whilst I am sympathetic to the needs of the appellant, and to the support for the proposal by the Town Council, The Hadleigh Society and other interested parties, I do not consider that these matters are sufficient to outweigh the harm that I have identified. A lack of objection from Historic England does not alter my assessment of the proposal.
16. I accept that there was an outline permission for a dwelling on the site granted in 1986. Whilst the principle of development of a bungalow was established at that time, no detailed scheme was considered. I have not been provided with any indicative plans that may have accompanied the outline application. Consequently, I cannot be certain how the two schemes would compare. In any case, although the building was listed and the CA had been designated, the policy background, both locally and nationally, has changed since that decision and I have found, for the reasons set out above, that the proposal would result

in conflict with the development plan. I therefore give the historic decision very little weight in this case.

17. My attention has been drawn to examples of other developments in the area, including those on Bradfield Avenue and Pykenham Way. However, these developments are clearly in different contexts to that of the appeal site and therefore do not provide reasoned justification for the appeal proposal, which I have necessarily determined on its own particular site circumstances and merits.
18. The application site falls within the 13km Zone of Influence for the Stour and Orwell Estuaries Special Protection Area & Ramsar site. The Council advised that a financial contribution is required towards the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy and that this contribution should be secured by a unilateral legal agreement. No such agreement has been submitted for me to consider and I have not been provided with any details of the special features of the European sites, the level of contribution required, or the mitigation that would be delivered by the contribution.
19. Nevertheless, as the appeal is being dismissed on other grounds, it has not been necessary for me to consider this matter any further in this case. Should I have found no harm with regard to the main issues, it would have been necessary for me to give further consideration to the impact upon the protected site in accordance with the Habitats Regulations.

Planning Balance

20. The Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case, the harm to the heritage assets would be less than substantial. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm, to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
21. The proposed development would make a small contribution to the supply of housing in a location with good access to services and facilities and where the principle of an additional dwelling is acceptable. I recognise the importance of making efficient use of land. These benefits would be modest commensurate with the scale of development proposed and they attract modest weight. Other issues where no material harm has been identified, would be neutral in the overall planning balance.
22. Taking the above points together I do not consider there would be public benefits sufficient to outweigh the significant weight to be attached to the harm I have identified in relation to the designated heritage assets. Accordingly, there would be a conflict with Paragraph 194 of the Framework, as harm to a designated heritage asset would not have a clear and convincing justification. Consequently, there is no reason to take a decision other than in accordance with the development plan.

Conclusion

23. For the above reasons the appeal is dismissed.

S Tudhope
Inspector