



Appeal Decision

Site Visit made on 13 October 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/D3505/D/20/3246803

Woodland Barn, Church Road, Bildeston, Suffolk IP7 7EE

- 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 Dr Malcolm Bishop against the decision of Babergh District Council.
 - The application Ref DC/19/05547, dated 27 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is the erection of a gazebo to patio and 2 small pergolas.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a gazebo to patio and 2 small pergolas at Woodland Barn Church Road, Bildeston, Suffolk IP7 7EE in accordance with the terms of the application, Ref DC/19/05547, dated 27 November 2019, and the HM Land Registry plan, surrounding area plan, 1:500 scale Block Plan, patio and gazebo dimensions, 'ultimate pergola arch' details, and gazebo photo submitted with it.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application was submitted retrospectively, and I saw at my site visit that the gazebo and pergolas had already been erected. I have therefore considered the appeal on a retrospective basis.

Main Issue

4. The main issue in this appeal is the effect of the development on the setting of the grade I listed church of St Mary Magdalene.

Reasons for the Recommendation

5. The appeal site is located within a rural setting and is occupied by a former barn and silos which have been converted and are now used as a dwelling. Also on the site is a new garage outbuilding to the side of the dwelling with a shed and green house in the garden. A H-shaped timber gazebo, sited on a patio, has been erected in the centre of the garden with two small pergolas either side. These features are the subject of this appeal. It is noted that when planning permission was granted to convert the barn to a dwelling, permitted development rights were removed from the site.

6. The site is located close to the church of St Mary Magdalene which is a grade I listed building. It is stated in the listing that this is due to its historic value and architectural details, particularly the roof and porch. The host dwelling and its curtilage currently have a positive impact on the setting of the listed building due to the rural and agricultural form of the converted buildings, in keeping with the historic use of the site, and the spacious and open nature of the site and its garden.
7. Although the agricultural form of the buildings provides a positive impact on the setting of the listed building, the rear garden of the appeal site is domestic in appearance due to the existing garden outbuildings, new planting and formal boundary treatments. The gazebo and pergolas are domestic paraphernalia and would add to the domestic appearance of the garden. However, as the garden is no longer an agricultural piece of land, their presence would not erode any perceived historic agricultural character associated with the church.
8. The spacious character of the rear garden does contribute to the setting of the listed church. However, although the gazebo is large in size and in a prominent location in the centre of the garden, its open structure and small scale in relation to the size of the garden results in little impact on this open character.
9. There is a limited view of the gazebo and pergolas from the listed building which is largely shielded from view by the main dwelling and neighbouring properties. Furthermore, as the closest public footpath is located between the development and the listed building it is unlikely that they would both be visible in the same view.
10. Overall, although the structures are domestic in appearance, due to their minor nature, they do not distract from or harm the setting of the listed building. Therefore, they have a neutral impact on the setting of the heritage asset. Consequently, I conclude that the development is not contrary to Policies CS15, CN01 or CN06 of the Babergh Local Plan 2011-2031 Core Strategy and Policies (2014). These policies collectively state that development should respect heritage assets, paying particular attention to the scale, form and nature of adjacent development and retain a setting which is appropriate to the listed building. It would also accord with the historic environment requirements of the National Planning Policy Framework.

Other Matters

11. Third party representations have expressed concerns regarding the impact of the development on their privacy. However, the gazebo and pergolas are not raised above the ground level and do not result in any greater overlooking into neighbouring properties than would be possible from the garden if the development was not there.

Conditions

12. As the application is retrospective and the development complete, the standard conditions regarding time, plans and materials have not been included, though for certainty the plans are included within the terms of the decision. The Council have suggested two conditions regarding a landscaping scheme, its implementation and aftercare. However, a reason for the conditions has not been provided and it is not considered that these conditions are necessary to

make the development acceptable. Therefore, they have also not been included.

Conclusions and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR