



Appeal Decision

Site visit made on 10 November 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 12th January 2021

Appeal Ref: APP/F2605/W/20/3257624

School Lodge, The Green, Caston, Attleborough, Norfolk NR17 1DB

- 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 David Sawyer against the decision of Breckland Council.
 - The application Ref 3PL/2020/0274/F, dated 6 March 2020, was refused by notice dated 3 June 2020.
 - The development proposed is a detached house and garage/workshop to garden plot.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site provides a suitable location for the development, having regard to the spatial strategy for the area; and
 - The effect of the proposed development on the character or appearance of the Caston Conservation Area (the CA), including its effect on protected trees.

Reasons

Location of development

3. Policy GEN 05 of the Breckland Local Plan (2019) (the LP) states that settlement boundaries will be used to guide the location of new development in the district. Development is restricted outside these boundaries, in recognition of the intrinsic character and beauty of the countryside. Development in such locations will only be acceptable where it is compliant with all relevant policies set out in the development plan, including Policy HOU 04 of the LP, which sets out rural villages which have settlement boundaries. The appeal site lies outside the settlement boundary for Caston.
4. Policy HOU 04 further states that in certain circumstances appropriate development will be allowed immediately adjacent to a settlement boundary. However, the appeal site is separated from the settlement boundary by the highway The Street. As a result, it is not immediately adjacent to the boundary and therefore it does not comply with the policy.
5. Thus, the proposal would not provide a suitable location for the development, having regard to the spatial strategy for the area. It would therefore result in

harm in achieving the strategy. It consequently conflicts with Policies GEN 05 and HOU 04 of the LP, the aims of which are set out above.

Character and appearance

6. The appeal site lies within the CA, which is a designated heritage asset. This has a high number of mature trees and substantial areas of hedgerow and open space. As a result, natural form has a significant presence within the built environment, and this contributes positively to the appearance of the CA. Its significance consequently derives in part from this factor.
7. Several mature trees lie along both of the appeal site's roadside boundaries and are protected by a Tree Preservation Order (TPO). They are attractive specimens with a slightly elevated position above the road which increases their prominence. The Arboricultural Impact Assessment which accompanies the appeal concludes that six of the seven trees surveyed are in the highest or second highest quality category, and that all six have an estimated remaining contribution of at least twenty years. Their visual contribution is consequently likely to endure for some time. As a result of these factors the trees make a substantial and positive contribution to the appearance of the CA (as recognised by their inclusion in the TPO).
8. The appellant provides a shadow analysis report which illustrates likely shading for a scheme which is now withdrawn and which proposed a different site layout and dwelling design. As a result of these differences, the weight which I attach to this evidence is reduced.
9. Nevertheless, the report shows a dwelling in the approximate position of that now proposed. It suggests that, whilst a dwelling in that location would not be significantly shaded by trees during some summer months, greater shading would occur in the earliest and latest months of the period considered. Although it is submitted that some shading may be welcome during periods of bright sunlight, occupiers of the dwelling would experience the least shading during midsummer months, when bright sunlight is most likely. The report suggests that the dwelling would be in significant shade for much of the daylight hours in the earliest and latest months shown, and there is no substantive evidence to contradict this. The trees would consequently cause rooms to become unduly gloomy during these periods of the year, and hence may give rise to concerns on the part of occupiers.
10. Furthermore, I share the views of the tree officer that likely additional issues such as leaf litter, dead wood fall and honeydew deposit to garden areas would increase the likelihood of occupier concerns. The combination of issues is consequently likely to lead to pressure to alter or remove the trees and potential resulting harm to the appearance of the CA. Any significant works to alter or remove the trees would result in unacceptable harm in this regard, due to their substantial and positive contribution to the appearance of the CA.
11. The appeal site and its neighbouring property at School Lodge are bounded by streets on two sides. The site's access would lie off The Street and hence on the opposite side from that of School Lodge (which is off Stow Bedon Road). As a result, the front elevation of the proposed dwelling would face in the opposite direction from that of School Lodge.

12. Whilst the difference in access layout would give rise to a limited incongruous visual effect within the CA, windows and doors within the rear elevation of the proposed dwelling would provide a reasonably "active" frontage within views from Stow Bedon Road. This would acceptably mitigate any visual harm arising from the contrasting layout of the proposal and properties in the CA which generally face the highway.
13. Thus, the proposal's layout would have an acceptable effect on the appearance of the CA. As a result, it complies with Policies GEN 02 and COM 01 of the LP, which require development to respect the character of the surrounding area.
14. However, the proposal would be likely to have an unacceptable effect on protected trees, which form a defining characteristic of the CA. This would cause less than substantial harm to its significance. As a result, the proposal conflicts with Policy ENV 06 of the LP, which states that trees form part of the green infrastructure network and that the impact of development on them should be evaluated. Further conflict exists with Policy ENV 07 of the LP, which sets out that the significance of designated heritage assets will be conserved, or wherever possible enhanced.

Other Matters

15. My attention has been drawn to two housing schemes elsewhere in the village. On the day of my visit I saw that the larger scheme appeared largely complete, whereas the smaller had not been constructed.
16. Only limited details of these schemes are before me, so that I have not been able to make a full comparison of the developments. However, they were assessed against a different policy background. Therefore differing considerations are likely to have applied at the time. Moreover, I am not convinced that the schemes provide an example which should inevitably be followed even though I have found that harm would result from the appeal proposal. Thus, I attach only minimal weight to the relevance of the other schemes to the determination of this appeal.
17. I acknowledge that the Council's Historic Buildings department did not object to the proposal. However, I am not bound by its lack of objection to find the development's effect acceptable in light of all other available evidence.
18. I note the contention that the Parish Council did not object to the appeal proposal. Nevertheless, I find this to be incorrect as its response raises concerns about the proposal's design, and comments submitted during the appeal process indicate further concerns on the issues of location and effect on trees. Therefore I disagree with the submission that the Parish Council's stance comprises a lack of objection to the proposal.
19. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.
20. I have had regard to other matters raised, including concerns about the design of the proposed dwelling. Nevertheless, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

21. As I have identified that the proposal would cause less than substantial harm to the significance of the heritage asset, I am required to give considerable weight to the presumption that preservation is desirable.
22. Whilst the proposal complies with Policies GEN 02 and COM 01 of the LP in terms of its effect on the character of the surrounding area, these are neutral effects which do not carry weight in the planning balance.
23. Mindful of these points, I consider that the modest public benefit which would arise from the provision of one dwelling would not be sufficient to outweigh the harm that the scheme would be likely to cause to the historic environment, to which I am required to attach considerable importance and weight, and the identified harm in achieving the planned spatial strategy.
24. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR