
Appeal Decision

Site visit made on 4 January 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 26th January 2021

Appeal Ref: APP/F3545/W/20/3259909

Land adjacent to Garden Cottage, Church Lane, Exning, Suffolk

- 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 George Hill against the decision of West Suffolk Council.
 - The application Ref DC/20/0450/FUL, dated 9 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is a 2 bedroom detached dwelling with separate single garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the setting of the Harrington Court Stables and the Exning Conservation Area (CA); and
 - whether the proposal would be acceptable in relation to flood risk.

Reasons

Character and appearance

3. The proposal is for a two bedroom bungalow and detached single garage on an underused area of garden land in a secluded residential setting served by a private drive off Church Lane. The Council have no objection to the design of the dwelling which would be attractive and relatively modest but consider the site should remain open for conservation reasons.
4. The area circumscribed by Church Lane, Chapel Street and Ducks Lane, within which the appeal site sits, developed from late Victorian times when the 3rd Earl of Durham, a major figure in horseracing, built the Harraton Court Stables complex within the grounds of his Newmarket base Harraton House. The area has since been infilled with various residential properties but retains a generally low density character which makes an important contribution to the Exning CA.
5. To the north of the appeal site lies the white stucco Harraton House, now subdivided, and the adjacent range of varied properties to The Lodge set back behind good sized front gardens. To the south, the site actually backs onto the long flank wall of the substantial Harraton Court Stables which is a Grade II

listed building. As an undeveloped garden the site provides an open view of the flank elevation which is relatively plain, built of buff brick with slate pitched roof, central gable feature and regular ventilation openings.

6. The stables are listed as an unusual and important example of a private stud and racing stables and an imposing example of late Victorian equestrian architecture. However, this is most apparent from the impressive finely detailed internal quadrangle with its arched entrance and clock tower, lines of stables along three sides and ancillary accommodation above.
7. The stables are largely hidden from public view, although there are glimpses of the outer flank walls and clock tower from the surrounding public roads. Contrary to the views of the Council, the original spacious garden setting between Harraton House and the stables has effectively been subdivided and lost with incremental development including a modern triple garage with two storey house behind and double car port leading to Harraton Court Bungalow and Garden Cottage, two modern single storey bungalows on either side of the appeal site. A third low profile bungalow between the two would consequently not be out of place, and views of the flank wall and clock tower of the stables would still be possible between and sometimes above them.
8. Given the extent of built development already surrounding the stables, the relative unimportance of the northern flank elevation compared to the interior in appreciating the form and function of the building, and the view only being seen from a private drive, the impact of the proposal on understanding the significance of the building would only be marginal. For the same reasons, the effect of the proposal on the character and appearance of the Exning CA as a whole would be negligible.
9. Great weight should be given to the conservation of designated historic assets, with statutory requirements to have special regard to the desirability of preserving the setting of a listed building and preserving or enhancing the character or appearance of a CA. However, the proposal would lead to less than substantial harm to the significance of both the Harraton Court Stables and Exning CA in terms of paragraph 196 of the National Planning Policy Framework (NPPF). The harm would be marginal and negligible respectively, and the public benefit of even one additional dwelling would be sufficient to outweigh that harm.
10. For these reasons the proposal would not significantly harm the character and appearance of the area, with harm to the setting of Harrington Court Stables only marginal and to the character and appearance of the Exning CA negligible. The proposal would therefore comply with Policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015 (WSJDMP). These allow proposals that are of an appropriate scale, form, height, massing and design that respects a listed building and its setting and/or the character of a conservation area.

Flood risk

11. Exning lies in a shallow valley either side of the New River stream which flows through the village to the east of the appeal site. The Environment Agency maps show the site within Flood Zone 3 – a high probability of flooding – and consequently the appellant has submitted a Flood Risk Assessment (FRA). This confirms that the site lies in a basin below surrounding ground levels at about

- 14.0-14.2 m AOD, in the absence of modelling suggests from topographical data that the 1 in 100 year flood level is 14.3 m AOD, and proposes that the floor level of the bungalow would be set at 15.0 m AOD. This would be the same as Garden Cottage next door, with no allowance made for climate change on the assumption that Exning would be widely affected and thus defended by an engineered scheme.
12. However, the Environment Agency regard the FRA as unsatisfactory. Deriving the design flood level from topography is said to be uncertain and as a result the risk from flooding is not accurately defined and the measures necessary to ensure safety including flood warning and evacuation are unclear. There would be a loss of floodplain storage, increasing risks elsewhere, and an engineering solution in response to climate change cannot be assumed.
13. These are significant deficiencies in the FRA and the appellant's proposal in response to increase the floor level to 15.3 m AOD does not sufficiently address them. In any event, as a residential scheme the development falls into the 'more vulnerable' category so both the sequential and exception tests need to be passed. It seems likely that alternative sites would be available for a single dwelling elsewhere in areas of lower flood risk, including in Exning.
14. For these reasons it has not been sufficiently proven that the proposal would be acceptable in relation to flood risk. This would conflict with WSJDMP Policy DM6 and paragraphs 155-165 of the NPPF. These require proposals to not cause or exacerbate flooding elsewhere and seek to avoid inappropriate development in areas at risk of flooding by application of the sequential and exception tests.

Conclusion

15. The proposal would provide an additional dwelling which would make a useful contribution towards local housing needs in a sustainable location and offer social and economic benefits for the village. Whilst these public benefits would outweigh the limited harm to the setting of Harrington Court Stables and to the character and appearance of the Exning CA, it has not been sufficiently proven that the proposal would be acceptable in relation to flood risk. The potential risks in this respect are overriding in this case and with alternative sites probably available elsewhere the appeal should be dismissed.

David Reed

INSPECTOR