The Planning Inspectorate

Appeal Decision

Site Visit made on 15 March 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2021

Appeal Ref: APP/D3505/W/20/3246186
Churchgate Barn, Churchgate, Glemsford CO10 7QE

- 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 and Mrs T Burt against the decision of Babergh District Council.
- The application Ref DC/19/03133, dated 19 June 2019, was refused by notice dated 29 August 2019.
- The development proposed is 2 No. detached single storey dwellings with attic accommodation with one dwelling benefitting from a single cart lodge.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's third reason for refusal refers to the effect of the proposal on the living conditions of the occupants of 10 Stanway Close, but their Statement of Case refers to the same effects in relation to No 8, rather than No 10. Given this ambiguity, I have considered the impact of the proposed development in relation to the properties in Stanway Close, as shown alongside the proposed house in Plot 2 on the application drawings, and referred to these in terms of their direction from the proposed house.

Main Issues

3. The main issues are the effect of the proposed development on: -

    - the setting of the Grade I listed parish Church of St. Mary and Grade II listed Park Farmhouse and Churchgate Farmhouse, and the extent to which it would preserve or enhance the character or appearance of the area, particularly that of the Glemsford Conservation Area; and

    - the living conditions of neighbouring occupiers, with particular regard to outlook and sunlight.

Reasons

Significance and settings

4. The appeal site concerns two plots of land to the west of Churchgate, within the garden of the property known as Churchgate Barn. Plot 1 fronts onto Churchgate and Plot 2 adjoins properties in Stanway Close. Both plots are laid to grass, enclosed by mature planting of various forms, and are situated within the Glemsford Conservation Area (GCA). To the south and east of Plot 1 are three listed buildings. In a clockwise direction, the parish Church of St. Mary is

Grade I listed and Park Farmhouse and Churchgate Farmhouse are Grade II listed buildings.

5. The parish Church of St. Mary probably dates from the 14th Century but it incorporates 15th Century alterations. The significance of the church is derived from its architectural, historical, and topographical value. In particular, the use of flint and stone in its construction ensures that the architecture is typically ambitious and decorative. The flint is of irregular sizes and arranged loosely with pieces of roughly shaped stone interspersed on the nave and tower, with black flint used between stonework to the diagonal buttresses at the corners of the tower. The nave is long and also buttressed to either side. Limestone is also used extensively in dressings of quoins, copings, banding, and door and window frames. The bell tower is marked by embattled parapets and openings.

6. Churchgate Farmhouse lies immediately opposite the Church, and to the south of the site. It is a two-storey former farmhouse that probably originates from the early to mid-19th Century. It is three bays wide and constructed of red brick, laid in Flemish bond, beneath a shallow hipped slate roof and projecting eaves detail, with tall chimney stacks to either hipped end. The front façade is its most detailed with a storey banding, pilasters to the outer corners, and projecting brick detailing to the narrower central bay, which incorporates a rounded, arched entrance. The windows are vertically proportioned sliding sashes arranged in a hierarchy, with larger windows either side of the central bay and smaller windows to the flank and rear walls. The building is set back of the road behind a tall hedge. As far as it is relevant to this appeal, the significance of the listed building is derived from its architectural and historic interest, as a noteworthy example of an early- to mid-19th Century former farmhouse, with elegant proportions and brick embellishment of the Regency period.

7. To the opposite side of the green is Park Farmhouse, which is to the east of the site. It is a fine timber framed, plastered, and painted house, five windows wide and arranged over two storeys, beneath a steeply pitched hipped roof, splayed at the eaves. Rooms within the attic spaces are served by hipped dormers aligned with windows beneath. The farmhouse originates from the 18th Century, but incorporates a later single storey range to the south, also with attic rooms served by a sled dormer. The central doorway incorporates a flat hood on brackets and windows are equally proportioned to the front façade. The building is set back behind a low hedge and arranged perpendicular to the Church. In so far as it is relevant to the appeal, its significance is derived from its architectural and historic interest, as a well-preserved 18th Century timber framed house with symmetrical proportions and elegant architectural detailing.

8. The GCA is principally focused on the predominantly linear form of the village and the properties to either side of the B1065 route through the village, but also includes spurs to the north and west. There are a number of historic nuclei, primarily centred around three greens, including Churchgate, which have a more spacious and rural arrangement reflective of their context. These are in contrast to the denser layout of buildings found immediately beyond the greens. Moreover, the buildings in close proximity of the Churchgate green, including those listed referred to above, vary in design but are generally set back from the road frontage within spacious plots of land with mature landscaping. This rural context forms an integral part of the historic setting of the listed buildings, particularly the Church, which contributes to their

understanding and significance and to the character and appearance of the GCA.

9. The GCA contains a number of other listed buildings, the majority of which are of rendered and of timber frame construction. The Council's Conservation Area Appraisal[1] (CAA) suggests that these reinforce the importance of Glemsford as the major centre for Suffolk's woollen cloth industry in the 16th Century. Roofs are variously thatched on the older buildings, or plain tiles where this has been replaced, but on later brick buildings, roofs are slate.

10. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. In so far as is relevant to this appeal, together with the property to the southern side of the green and the undeveloped and landscaped qualities of the land within Plot 1, the three listed buildings and the planting within their grounds enclose the green. This relationship makes a significantly positive contribution to the character and appearance of the GCA and the historic verdant setting of the listed buildings, and thereby their understanding and significance.

11. In particular, the Church occupies extensive grounds that are largely open, apart from trees situated along Churchgate and round into the green. The presence of roadside planting to the east of Churchgate means that the Church tower and its grounds emerge in views north along Churchgate, but are likely to be more apparent when hedges and trees are not in leaf. Meanwhile, as the Church lies at the very edge of the village and the land drops away to the valley beyond, the Church dominates views into the village from the northwest, along Low Street. The frontage of Plot 1 is within this view. Both views are identified as important in the CAA and contribute to the setting of the Church.

12. The location of Plot 2 is more distant from the frontage of Churchgate and the remainder of the grounds of Churchgate Barn intervene. However, the taller mature trees to the east of the plot are visible behind Churchgate Farmhouse, so provide a verdant backdrop to the listed building, which contributes to its setting. The trees within the plot also create a similar backdrop to the houses situated within Stanway Close, which also contributes positively to the character and appearance of the GCA. Plot 2 does not contribute to the setting of the other listed buildings.

Effect to the listed buildings and conservation area

13. The proposed houses have been designed to mimic farm buildings, using a palette of carefully considered materials, but would have a distinctly residential appearance due to the arrangement and proliferation of window and door openings in the façades and roofs. While the design of other houses in this part of the village varies greatly, those found close to Plot 1 are situated within spacious plots, whereas the proposed house would occupy the majority of its plot, so would appear cramped in comparison.

14. The appellants' Tree Survey Report and Arboricultural Impact Assessment indicate that the majority of trees to the north, south and east of the proposed house in Plot 1 would be retained, including between the site and Churchgate Farm. Views of this house would be likely to be filtered by the mature planting, including at the frontage within the vista from the northwest. However, I am

[1] Glemsford Conservation Area Appraisal (adopted as Supplementary Planning Guidance on 6 March 2008).

mindful that planting is subject to seasonal changes and is, in any event, ephemeral, so would have a limited effect in softening the presence of built development within the plot. Moreover. it could also be removed by future occupants, not least to address, amongst other things, leaf litter and shading of the property and its outdoor spaces. Given these factors, I do not subscribe to the notion that the planting should be relied upon to hide the development from view, which would otherwise be visually harmful.

15. The physical arrangement and presence of the proposed built development within Plot 1 would therefore appear as a discordant insertion that would jar with the coherent pattern of development described above and erode the undeveloped qualities of the site. This would have a significantly harmful impact on the character of this rural edge of the settlement and, despite the varying extent of separation between the proposed house and the listed buildings, the shared verdant setting around the green would also be harmed by its presence, particularly the Church and Churchgate Farm, which are in closer proximity.

16. The proposed house in Plot 2 would situated to the western extent of the garden of Churchgate Barn and served by a long driveway, with this in mind Plot 2 would have a closer relationship with the houses in Stanway Close than those to the north and east. Moreover, the houses within the close generally fill their plots, with small areas of garden around them. I accept that the house in Plot 2 would be likely to be visible from the close, above the existing planting within the plot. However, given that the spatial dimensions of the plot are not apparent from public land and, having regard to the context of houses in the close, the proposed house within Plot 2 would not appear cramped. This element of the proposal would not therefore be harmful to either the character or appearance of this part of the GCA or its immediate surroundings.

17. I note that the development to which I have been referred in Monks Eleigh was for houses in close proximity of a Church. While that scheme is also evidently for development in close proximity of the church, it appears to have replaced another building and the setting of other listed buildings was not at issue. For these reasons it is not comparable with the appeal scheme before me and, in any event, the existence of development that could be deemed harmful to the setting of another listed building would not provide justification for a further development that I consider would cause harm for the reasons set out above.

Public Benefits and conclusions on the first main issue

18. The statutory duties in Sections 66(1) and 72(1) of Planning (Listed Building and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 192 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

19. The proposal would be harmful to the setting of the listed buildings and the character and appearance of the GCA, which would have a negative effect on their significance as designated heritage assets. In my view the harm that I have identified would equate to less than substantial harm to the significance

of these assets. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals.

20. The Council has indicated that their five-year supply of deliverable housing land (5YHLS) is 5.67 years, which the appellants do not dispute, but I am mindful of the national requirement to boost the supply of housing. Being a small development, the appeal scheme could be built-out relatively quickly. Nevertheless, the social benefits associated with the contribution to the supply and mix of housing and the support to local shops, services and facilities, which would all constitute benefits in social and economic terms, would be limited in scale and kind due to the magnitude of the proposal.

21. Taking the above together, the public benefits I have outlined above would not justify allowing development that would have a harmful effect on the setting of the Grade I listed parish Church of St. Mary and Grade II listed Churchgate Farmhouse and Park Farmhouse; and also fail to preserve or enhance the character and appearance of the Glemsford Conservation Area. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.

22. I therefore conclude that the proposal would have an unacceptably harmful effect on the setting of the listed buildings, Church of St. Mary, Churchgate Farmhouse and Park Farmhouse; and fail to preserve or enhance the character or appearance of the area, particularly that of the Glemsford Conservation Area. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 192 and 193 of the Framework and conflicts with the design and heritage aims of Policies CN06, CN08 and HS28 of the Council's Local Plan and Policy CS15 of their Core Strategy. The proposal would also conflict with the design aims of paragraphs 122 and 127 of the Framework.

Living conditions

23. Given the shallow depth of the gardens in Stanway Close and the close proximity of the gable and steeply pitched roof of the proposed house in Plot 2, it would be likely to be apparent above existing hedge planting when viewed from the property and its garden immediately to the west. The sense of enclosure and overshadowing that would be likely to be experienced by the occupiers of that property would therefore be unacceptably harmful to their living conditions.

24. The appellants have suggested that the house could be dug down into the site in order to address this, but no details of this alternative arrangement are before me as part of the appeal. In any event, I am mindful that the appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the Council and on which interested parties' views were sought.

25. The proposed house would also be likely to be visible from the garden of the properties to the northwest and southwest of the house. However, due to the orientation and proximity of the roof and its form, there would be unlikely to be harmful effects in relation to enclosure or overshadowing to these properties or their gardens. Furthermore, any overlooking from the landing window of Plot 2

could be satisfactorily dealt with by mitigation in the form of obscure glazing, which could be secured by way of a planning condition.

26. I have had regard to the design of the new house in Stanway Close to the southwest of the site but it is oriented in a manner similar to the other houses, at the side of an existing house, so it does not have a harmful effect on the living conditions of neighbouring occupiers. That house is not therefore comparable with the appeal scheme which would be arranged perpendicular to the rear of the houses in Stanway Close.

27. For the above reasons, I conclude that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of the house immediately to the west of Plot 2 in Stanway Close, with regard to outlook and sunlight. Hence the proposal would conflict with the aims in respect of living conditions expressed in Policy HS28 the Council's Local Plan.

Planning Balance

28. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.

29. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to the setting of the Grade I and Grade II listed buildings, and the character and appearance of the area, particularly that of the Glemsford Conservation Area; and to the living conditions of neighbouring occupiers.

30. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. The proposal would also not amount to sustainable development under the terms of the Framework. Consequently, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

31. For the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR