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## Appeal Decision

Site visit made on 21 July 2021

**by H Lock BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2021**

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**Appeal Ref: APP/D3505/D/21/3272930**

**The Pyghtle, Scotland Street, Stoke By Nayland, CO6 4QE**

- 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 Brian Langstaff against the decision of Babergh District Council.
  - The application Ref. DC/21/00992, dated 19 February 2021, was refused by notice dated 31 March 2021.
  - The development proposed is erection of balcony with access doors and installation of dormer and window to existing garage.
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### Decision

1. The appeal is dismissed for the installation of dormer. The appeal is allowed and planning permission is granted insofar as it relates to the erection of balcony with access doors and window to existing garage, at The Pyghtle, Scotland Street, Stoke By Nayland, CO6 4QE, in accordance with the terms of the application, Ref. DC/21/00992, dated 19 February 2021, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: BW1-00917317; 01; 02; 1263 01A; and 1263 02A.
  - 3) Prior to their installation, either details of or manufacturer's literature for the window in the north-eastern elevation and the doors in the north-western elevation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained in accordance with the approved details.
  - 4) Prior to their installation, details of the design of the balcony, baluster and balustrade, including materials, finishes, elevations and sections at scale 1:20, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained in accordance with the approved details.

### Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021, and paragraphs 194, 196 and 200 of the 2019 Framework

referred to in the Council's decision were renumbered in the new document. However, as the paragraph contents are unaltered it has not been necessary to seek the views of the parties on this matter.

## **Main Issues**

3. The main issues are the effect of the proposal on (1) the character and appearance of the appeal building and the Stoke by Nayland Conservation Area and (2) the setting of listed buildings in the vicinity.

## **Reasons**

### *Character and Appearance*

4. The appeal property is a detached dwelling located in Stoke by Nayland Conservation Area. This part of Scotland Street is notable for its verdant appearance, with individually-designed dwellings set within landscaped gardens, and interspersed with undeveloped fields and green spaces. There are a number of listed and unlisted period properties in the vicinity, and these combined with the roadside planting contribute to the attractive character and appearance of this part of the conservation area.
5. There is a duty<sup>1</sup> to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in assessing development proposals. This is reflected in Policy CN08 of the Babergh Local Plan (LP), which amongst other criteria requires extensions to preserve or enhance the character of the conservation area or its setting, and to be of an appropriate scale, form and detailed design to harmonise with its setting.
6. The appeal proposal relates to an outbuilding prominently positioned next to the road. Due to the topography, the building is split level, with the rear section having lower ground, roof ridge and eaves levels. Although the front of the building (identified as 'side' on the submitted plans) is the most visible in the street scene, the elevation fronting the road and the rear roof (marked as 'side' on the plan) are also seen through breaks in the roadside planting on the appeal site and neighbouring land. The building currently has a simple and traditional form and appearance. Whilst there is some screen planting, its retention cannot be guaranteed in the long term, and I do not share the appellant's assessment that there is no specific appreciation of this aspect of the building due to extensive landscaping. Regardless of the planting, the building is perceived when travelling through the conservation area.
7. Although set back from the road, the proposed dormer would be an intrusive and disproportionately large addition that would dominate the roof of the upper part of the building. The appellant advises that the proposal comprises less than one third of the roof space of the higher part of the building. However, visually it would be seen mostly in the context of the upper rear roof slope, and would occupy approximately half of its width, with far less generous spacing around it than is typical of more traditionally scaled roof windows in the vicinity. The setback of the proposal from the roadside would not mitigate its bulk and size, and it would conflict with the design requirement of LP Policy CN01, for all proposals to be of appropriate scale, form and detailed design for the location; and with LP Policy CN08, which requires extensions to preserve or enhance the character of the conservation area or its setting.

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<sup>1</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

8. The appellant has referred to an appeal decision for a site in Hadleigh<sup>2</sup>, but few details of the proposal have been supplied. However, from the decision letter, the context and details of the development appear to be materially different to this proposal. Nevertheless, I agree that increased visibility of a building in a conservation area does not necessarily equate to harm, but in this case the design, scale and adverse visual impact of the proposal would be harmful.
9. The Council does not oppose the rear balcony, the replacement of a rear window with doors, and the addition of a further window in the north-eastern side of the lower section of the building. I find these elements acceptable in all regards, and compliant with LP Policies CN01 and CN08. As they are clearly severable from the proposed dormer window, and both physically and functionally independent, I propose to issue a split decision.
10. I therefore conclude that the proposed dormer window would fail to preserve or enhance the character or appearance of the building and its setting in the Stoke by Nayland Conservation Area, in conflict with the Framework and LP Policies CN01 and CN08. Although this harm would be towards the lower level of less than substantial harm, there is a requirement for this harm to be weighed against the public benefits of the proposal. Whilst I appreciate that the proposal seeks to improve the upper floor sleeping area for visitors, this would be a private benefit that would not outweigh the harm identified.

#### *Setting of Listed Buildings*

11. There is a duty<sup>3</sup> when 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 which it possesses.
12. In this context, there are a number of Grade II listed buildings in Scotland Street, with Homestead and Lilac Cottages directly opposite the appeal site. Part of the definition of the 'setting of a heritage asset' set out in the glossary to the Framework includes "the surroundings in which a heritage asset is experienced", and notes that elements of a setting "may affect the ability to appreciate that significance or may be neutral". The proposal would detract from the character and appearance of the appeal building and the conservation area, and this streetscape contributes to the setting in which the nearby listed buildings are experienced. Whilst I acknowledge that there would be few points where the listed buildings would be seen in the same vista as the proposed dormer window, the introduction of this large and uncharacteristic feature would make a negative contribution within the setting of those buildings.
13. I conclude that this harm would be at a low level of less than substantial harm, but as identified above this would not be outweighed by any evident public benefits. The setting would not be preserved, and the proposal would conflict with the aims of the Framework and LP Policy CN06, which amongst other criteria requires proposals within the setting of a listed building to be of an appropriate scale, form, siting and detailed design to harmonise with the setting.

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<sup>2</sup> APP/D3505/D/20/3257793 - 120 Benton Street, Hadleigh.

<sup>3</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

### **Other Matters**

14. The appeal site is located in an Area of Outstanding Natural Beauty (AONB), the statutory purpose of which is to conserve and enhance the natural beauty of their area. I have had regard to this purpose in assessing the proposal, but given its nature and siting relative to the wider landscape I am satisfied that it would not harm the landscape and scenic beauty of the AONB.

### **Conditions**

15. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. The Council has suggested that further details of materials, windows and doors be sought and large-scale elevations and sections of the balcony, baluster and balustrade. Having regard to paragraph 56 of the Framework, I consider that these are necessary to ensure that the development is appropriate to the building and its setting, and I have attached conditions requiring the submission of these details prior to installation.

### **Conclusion**

16. For the above reasons, I conclude that this appeal should be allowed in part and dismissed in part.

*H Lock*

INSPECTOR