



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: 18 August 2021

Appeal Ref: APP/P1560/D/21/3270449

White Timbers, Abbey Street, Thorpe-le-Soken, CO16 0JN

- 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 & Mrs L Lambrou against the decision of Tendring District Council.
 - The application Ref. 20/01496/FUL, dated 22 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the planning application, the Council has adopted the 'Tendring District Local Plan 2013-2033 and Beyond, North Essex Authorities' Shared Strategic Section 1 Plan' (TDLP1). As a result, Policies QL9, QL10 and part of QL11 of the Tendring District Local Plan 2007 (TDL) cited on the decision notice have been superseded by Policy SP 7 of the TDLP1. The appellant was invited to comment on the adopted policy and the response has been taken into account.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021, but as the revisions do not materially change the national approach to development of this nature it has not been necessary to seek the views of the parties on this matter.

Main Issues

4. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the Thorpe-le-Soken Conservation Area, and (2) on the setting of listed buildings in the vicinity.

Reasons

Character and Appearance

5. The appeal property is located in Thorpe-le-Soken Conservation Area, the special quality of which is identified in the 'Tendring District Council Conservation Area Review 2006' (CAR) as deriving from its importance in medieval times, indicated by the wealth of historic buildings lining a sinuous

- main street. It also notes that neighbouring parts of the village that relate to the medieval core in plan form, and in the intrinsic interest of their buildings, are included in the Area because of their supporting role.
6. Abbey Street contains a number of listed buildings interspersed with more modern properties such as the appeal dwelling and an extended neighbouring house, which are set back from the road behind deep front gardens. The CAR identifies this as Area 5 (Eastern junction and Abbey Street/Frinton Road), noting that it has developed more sporadically, and is defined by mature trees with the surrounding buildings taking a secondary role.
 7. There is a statutory duty for decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions, and this is reflected in TDL Policy EN17. Notwithstanding that the appeal property is a modern building set back from the road, Policy EN17 seeks to resist development that would fail to preserve or enhance the character of a conservation area in matters including height, siting, form, massing, proportions, elevation, design or materials.
 8. In this context, the proposed dormer window would be an unduly dominant addition to the dwelling as a result of its size, proportions, design and materials. It would occupy almost the full extent of the rear roof slope, leaving little separation to the eaves and roof ridge, and this would create a 'top-heavy' appearance to the building. Whilst I understand the reasoning for the size of the dormer, and the aim to make efficient use of space, I do not share the appellants' view that the proposed proportions would allow the form of the existing roof to be understood and identified.
 9. The visual impact of the dormer would be exacerbated by the use of white cladding in contrast to the existing roof, albeit I acknowledge that the front elevation of the dwelling is partly boarded. The resultant addition would not constitute the high standard of architectural design sought by TDL P1 Policy SP 7, and would not respond positively to local character and context to preserve and enhance its quality. Although the dwelling is set back from Abbey Street, the open gap to the neighbouring house means that the eastern side elevation of the dormer window would be visible, and its excessive size and dominance would be apparent in public views in the conservation area.
 10. I appreciate that the dormer window would be sited to the rear of the dwelling, but the quality of the individual buildings in a conservation area cumulatively contribute to that of the wider area. Although the rear elevation may not be as sensitive as the front, due to the material impact that the proposal would have on the character and appearance of the dwelling, it would affect its contribution to the wider setting.
 11. The proposal includes the installation of four rooflights on the front elevation, and there are other examples in the vicinity. Whether or not the proposed rooflights may be installed as Permitted Development is not a matter for me to determine in this appeal. However, although they would be high-level and with slightly off-set positioning, I do not consider that in isolation they would detract from the dwelling, and given their setback position the character and appearance of the conservation area would be preserved. However, as these are an integral part of the loft conversion, I am unable to issue a split decision.

12. I therefore conclude that the rear dormer window would fail to preserve or enhance the character or appearance of the building and its setting in the Thorpe-le-Soken Conservation Area, in conflict with the Framework, TDL Policy EN17 and TDLP1 Policy SP 7. Having regard to paragraph 202 of the Framework, this harm would be less than substantial, but there is a requirement for it to be weighed against the public benefits of the proposal. I appreciate that it would benefit the applicants' use of their property, but it is not evident that any public benefits would result that would outweigh this harm and justify acceptance of the proposal.

Setting of Listed Buildings

13. There is a duty 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.
14. In this context, there are a number of listed buildings in Abbey Street, including Grade II* The Abbey, the grounds of which are adjacent to the 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 proposal, the introduction of this large and ungainly feature would make a negative contribution within the setting of those buildings.
15. I conclude that this would be a low level of less than substantial harm, but as identified above it 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 TLP Policy EN23, which seeks to resist proposals that would adversely affect the setting of a listed building, including group value and long distance views.

Conclusion

16. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR