



Appeal Decision

Site visit made on 30 July 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2021

Appeal Ref: APP/D3505/D/21/3272589

20 Friends Field, Bures St Mary, CO8 5LH

- 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 Keeble against the decision of Babergh District Council.
 - The application Ref DC/21/00232, dated 13 January 2021, was refused by notice dated 10 March 2021.
 - The development proposed is the erection of a two storey side extension and installation of cladding, following demolition of conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side extension and installation of cladding, following demolition of conservatory, at 20 Friends Field, Bures St Mary, CO8 5LH in accordance with the terms of the application Ref DC/21/00232, dated 13 January 2021, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be those shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan 1:1250, 714/21/001A, 714/21/002A & 714/20/003A.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the residential area, which lies within the Bures St Mary Conservation Area.

Reasons

3. The appeal property is set within a relatively modern estate of housing. There is a diversity of housing types, with No. 20 being on the east side of the road with detached dwellings whilst on the west side are pairs of houses of different design. A notable change in the character of the area exists immediately to the south of No. 20 with another estate of housing, evidently more recent again, which is of different design approach and has a more varied relationship in how houses are positioned to the road and to each other.

4. The entrance to No. 20 is on the side elevation. The proposed works would see an extension to the side and a new entrance created on the resulting front elevation. The resultant form of the building would be well-balanced, with the side extension being set back from the existing Friends Field elevation, a lower ridge height, and with the roof massing minimised through use of a dormer. The extension would thus appear subordinate to the existing property and appropriate to the wider area. There is a variety of brick, render and cladding in the area.
5. The depth of the side extension would have little visual impact upon the wider area due to the set-back of the property from the street and the position, scale and size of the house immediately adjoining to the south. Thus, although the side extension would be of irregular shape – in response to the irregular shape of the site – there would not be any adverse effect from that design; the scheme makes effective use of the land available.
6. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Area covers much of the village, reflecting the historic growth over the years, and so contains a variety of development. The quality of buildings in the village, use of materials, relationship of spaces and open countryside all contribute to the significance of the Area. The modern estate within which the appeal site lies, whilst showing part of that evolution of growth, does not display any particular features that reflect the other elements of the Area. I therefore concur with the appellant's observation that, as noted in paragraph 207 of the National Planning Policy Framework '*not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance*'; the appeal property does not contribute to the significance of the Area, and the proposed works would therefore not be harmful to the significance of the heritage asset.
7. To the north of the appeal site are listed buildings fronting High Street and also backing onto Friends Field. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building. The design, scale and location of the proposed extension to No. 20 mean there would not be any harm to the setting of these buildings.
8. On the main issue it is therefore my conclusion that the proposed development would not conflict with the objectives of Policies CN01, CN08 and HS33 of the Banbergh Local Plan 2006 which, amongst other matters, aim to ensure new development, including extensions to dwellings, is of appropriate design, scale and form, and is not harmful to the character and appearance of conservation areas. There would also not be any harm to the landscape quality of the area, and so no conflict would occur with Policy CR04. The proposals would be consistent with the objectives of the Framework.
9. The appeal is therefore allowed. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached a condition relating to materials to ensure a satisfactory appearance to the development, though modified to refer to the proposed materials as shown on the submitted plans. A condition specifying the approved plans is attached in the interest of precision, but in a simplified form to that suggested by the Council in the interests of clarity. The Council have suggested the removal of extensive permitted development rights. The Planning Practice Guidance: Use of Planning

Conditions advises that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. I find the Council's stated reason 'to enable them to retain control in the interests of amenity and local distinctiveness' not persuasive to warrant such widespread removal of rights, and hence the condition to not be reasonable, necessary or related to the development being permitted; I have not attached the condition.

C J Leigh

INSPECTOR