



Appeal Decision

Site visit made on 29 September 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/D3505/D/21/3277806

Prestige House, The Street, Kettlebaston IP7 7QA

- 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 Emmerson Properties against the decision of Babergh District Council.
 - The application Ref DC/21/02442, dated 23 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is erection of detached cartlodge outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effect of the proposed development on the setting of the Grade I Listed Church of St Mary and the character and appearance of the Kettlebaston Conservation Area (the Conservation Area).

Reasons

3. The Street area is the historic core of Kettlebaston, a small and compact settlement characterised by its cluster of buildings on a winding country road. The Grade I listed Church of St Mary and most nearby buildings are set back within their own grounds. The church has a prominent location and presence in the village, amongst a setting of buildings of varying ages and design that has evolved around it as the village has grown and contributes to the significance of the Conservation Area.
4. These are heritage assets to which I have a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must have special regard to preserving the setting of a listed building and pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The proposal is for a detached cart lodge within the garden area of Prestige House, a recently constructed dwelling. It would be located towards the rear of the garden to the side of the house, adjacent to the garden's boundary with the church access from The Street.

6. The proposed cart lodge would be open to the front and enclosed on the other 3 sides, providing parking for a single car. It would be of traditional design, with a timber construction, lapped timber cladding and plain tiled roof.
7. The access to the church grounds from The Street begins with an open vehicular access area, which sits in front of an enclosed pedestrian passage formed by yew trees, which leads to the churchyard. This open church access area and the garden area of Prestige house affords wide views of the Yew passage and the church from the public realm of The Street, as well as more widely from nearby residential properties, footpath and fields. This openness reflects the general character of this part of the village, where buildings are set back within their plots and do not directly face on to the road.
8. The proposed cart lodge would be positioned in front of the yew trees that make up one side of the passage to the church. Although only a small part of the roof of the proposal is likely to be seen in direct relation to the church above the yew trees, it would introduce built form and bulk into an otherwise open view of the church from The Street and wider area.
9. The proposed cart lodge would, thereby, interrupt the existing visual setting of the church that is currently defined from The Street by its openness and the yew trees that provide an enclosed passage to the church. This would promote an unsympathetic structure into the local townscape when viewed from The Street, which, despite its traditional design, would not fully take into account the setting of the listed church or the preservation or enhancement of the character of the Conservation Area.
10. The appellant has drawn my attention to other buildings within the Conservation Area, that are a similar distance from the church, particularly the village hall. Whilst I find that, similar to the appeal site, these are within the setting of the church, these are in the wider setting and, unlike the proposal, are not viewed in relation to the church in combination with its main access and Yew passage, which are important aspects of its setting and the character and appearance of the conservation area. I have, therefore, afforded this limited weight in my considerations.
11. I therefore find that the proposal would, due to its enclosing, obscuring and prominent presence in significant views from within the Conservation Area, cause harm to the setting of Grade I listed Church of St Mary and would fail to preserve the character and appearance of the Conservation Area.
12. For the reasons given above I find that the proposed development would be contrary to Policy CS15 of the Babergh Core Strategy (2014) and saved Policies CN01, CN06, and CN08 of the Babergh Local Plan (2006), which collectively seek to ensure that development pays due regard to ensure that development has due regard to the importance of preserving or enhancing heritage assets.
13. Although I find the harm to the listed building and the Conservation Area would be considered less than substantial, in accordance with the National

Planning Policy Framework (the Framework), great weight should be given to the conservation of those assets. Set against the harm identified, the proposal would result in substantially private benefits. Consequently, I conclude that the harm to the significance of the of the Conservation Area and the setting of the Grade I listed Church of St Mary that I have identified, would significantly and demonstrably outweigh these benefits and there are no other material considerations which outweigh this finding. Therefore, for the reasons given and with paragraph 11 of the Framework in mind, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR