



Appeal Decision

Site visit made on 30 November 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2021

Appeal Ref: APP/X3540/W/21/3272411

Land Adjacent Dormy House, Peace Place, Thorpeness IP16 4NA

- 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 Mrs & Mrs Grundy & Carrington against the decision of East Suffolk Council.
 - The application Ref DC/20/2953/FUL, dated 5 August 2020, was refused by notice dated 15 October 2020.
 - The development proposed is described as the "erection of single storey dwelling with associated landscaping".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issues most relevant to the appeal remains unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues in this appeal are:
 - whether the development would preserve or enhance the character or appearance of the Thorpeness Conservation Area and the setting of surrounding listed buildings, and
 - the effect of the development on Protected European Sites.

Reasons

Thorpeness Conservation Area

4. As the appeal site lies within the Thorpeness Conservation Area (TCA) it rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66 of the Act also requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. Therefore, in undertaking these duties, I have based my

assessment on the evidence presented before me and the observations I made during my site visit.

5. The area is generally rural in character with a variety of style and size of property located around the appeal site, which display a close-knit appearance within this core part of the village. In this instance, I find the focus and significance of the TCA to be derived from its historic built form and layout which reflects its past as a former fishing, and planned holiday village.
6. The appeal site comprises a roughly triangular parcel of land that is covered mainly in grass and several trees and shrubs and bound by low stock fencing and timber posts. The proposal seeks to erect a single storey dwelling on the site, which would be provided with private parking and garden areas. The dwelling would be constructed of vertical hit and miss timber boarding under black corrugated roofing sheets. The appellant states that the inspiration for the design is to resemble other buildings that can be found in the area such as fishing and beach huts.
7. I have carefully considered the appellant's Historic Impact Assessment submitted with the planning application. However, I do not find the site and its adjoining trackways to be hidden or that it represents a left over parcel of land. Although unremarkable, it nonetheless is an open parcel of land within the TCA and part of the historic use of the area. Despite its location to the rear of properties, one can nonetheless appreciate the appeal site from the trackways that pass it and from the rear elevations of some of the properties that surround it.
8. The Thorpeness Conservation Area Appraisal 2010 recognises that the character of the village comprises the formal and informal arrangement of spaces and the importance of open space and landscape features within the TCA. I find that the relationship of the appeal site to its surroundings is a key element of the TCA, making a valuable contribution as an area of open and natural space in contrast to the built development that encloses it. Thus, in this location, the appeal site is an essential part of the character of the TCA and one that should be retained.
9. Consequently, notwithstanding the scale of development that may surround it, the appeal site enhances the character of the TCA by providing an open space that contributes towards making Thorpeness the very attractive village that it is. Its loss through the proposed development, would fail to either enhance or preserve the positive contribution that the appeal site provides as an area of space within the TCA, providing verdant relief to the close-knit development of dwellings and outbuildings that surround the site.
10. I also acknowledge that the appeal site is not an identified significant open space and that it is in private ownership with restricted public access. Nonetheless, it still contributes towards the overall character of the TCA providing relief through the provision of an area of open space within a core part of the village, surrounded by development of dwellings and other outbuildings.
11. I have also taken account of the enhancements proposed as part of the development, along with the containment provided by existing features that would be supplemented by additional landscaping. However, as with all landscaping, it cannot be relied upon to become permanent and would take a

very long time to mature. Moreover, the use of landscaping to shield inappropriate development is not good design as it just limits the immediate effect of it.

12. Thus, the development would fail to preserve or enhance the character and appearance of the TCA. However, in the context of the Framework, given the size of the TCA the level of harm I have identified is less than substantial. Paragraph 202 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. The development would provide an additional dwelling to the Council's housing stock, alongside more general benefits to the local economy from construction and occupation of the dwelling and sustaining of local services. I attach moderate weight to these benefits. However, this would not be sufficient to overcome the harm to the significance of a designated heritage asset which the Framework advises carries great weight. As such I would not consider there are sufficient public benefits to outweigh the harm to the BCA.
14. The Council also argue that as the appeal site backs on to 1, 2 and 3 Westgate which are Grade II listed buildings, the development would have a negative effect on the setting of these heritage assets. However, the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. In this instance, as a result of the intervening curtilage belonging to the assets and the distance from the proposed development, I am not persuaded that the development of the site would affect the way that they are experienced.
15. Thus, the development would have a neutral effect on the setting of adjacent listed buildings. It would not be in conflict with Policy SCLP11.4 of the Suffolk Coastal Local Plan 2020 (SCLP) and paragraph 200 of the Framework which seeks, amongst other things, to ensure that developments affecting the setting of listed buildings do not harm any features that contribute towards its special interest.
16. However, the development would fail to preserve or enhance the character and appearance of the TCA. It would be in conflict with Policy SCLP11.5 and paragraphs 199 and 202 of the Framework which seek, amongst other things, to ensure that developments preserve or enhance the character and appearance of a conservation area.

European Protected Sites

17. The appeal site lies within the buffer zone of several European protected sites. The appellant does not dispute the need to make a contribution towards measures which will mitigate the adverse impact that residential development may have upon these designations. It is proposed to deal with this by means of a negatively worded condition. Had I been minded to allow the appeal I would have needed to consider whether a condition would comply with the circumstances test set out within the Framework and the national Planning Practice Guidance. However, since I am dismissing the appeal for other reasons this is not a matter which needs to be addressed in my decision.

Other Matters

18. I acknowledge that the appellants wish to live on the site and that, taken in isolation, the design of the dwelling attempts to reflect other buildings in the

area. I also note that as a small windfall site the proposal has the ability to be developed quite quickly and that it lies within the settlement and close to a range of services. However, while noting the benefits that would result in these respects, I do not consider that either individually or cumulatively they outweigh the harm identified above.

19. The appellant also refers to dwellings that have been erected close to the site. However, I do not have full details of these schemes or the background to the decisions, including the policy context in place at the time the decisions were made. Furthermore, from the evidence before me, there would appear to be material differences in the layout of these other schemes, including in respect of the relationship between the dwellings and the appeal site. Consequently, I do not regard these examples as directly comparable with the scheme before me, which, in any event, I have considered on its own merits.
20. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

21. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR