



Appeal Decision

Site visit made on 18 January 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal Ref: APP/D3505/W/21/3268289

Studio Annexe, Elm Tree Cottage, The Causeway, Hitcham, Ipswich IP7 7LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mrs Wendy Crease against the decision of Babergh District Council.
 - The application Ref: DC/20/02609, dated 30 April 2020, was refused by notice dated 28 August 2020.
 - The development proposed is severance of studio/annexe from Elm Tree Cottage to form a separate dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for severance of studio/annexe from Elm Tree Cottage to form a separate dwelling at Studio Annexe, Elm Tree Cottage, Ipswich IP7 7LJ in accordance with the terms of the application, Ref: DC/20/02609, dated 30 April 2020, and the plans submitted with it, subject to the conditions in the attached Schedule A.

Preliminary Matters

2. The description in the banner heading and decision above is taken from the appeal form and decision notice, in the interests of precision.
3. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. As the substance of Framework policy, insofar as is relevant to the main issue in this case has not fundamentally changed, parties will not be disadvantaged by my consideration of it.

Main Issue

5. The main issue in this case is the effect of the proposed works on the setting of the Grade II listed building Elm Tree Cottage.

Reasons

6. Elm Tree Cottage is Grade II listed building with a timber frame, thatched roof, mainly plastered walls and a chimney stack. Comprising one storey plus attics,

it dates from around the sixteenth to seventeenth century, with a later extension at its northern end. It is set within garden areas.

7. The appeal site comprises the annexe building, grounds including a pond, a workshop building and yard and driveway access. The appeal building is a single storey, weatherboarded, pitched tile roofed residential annexe building. It is part of a group of buildings located within the background of the listed Elm Tree Cottage. As such, the homestead of which the appeal site is part has an evolved character.
8. The appeal site and the wider homestead already has an evolved character, that transitions from the traditional thatched cottage and its immediate garden areas, via the mainly weatherboarded workshop building behind, on to the residential appeal building and the wider countryside beyond. Several other traditional rural dwellings are loosely clustered around The Causeway on approaches to the appeal site.
9. As such, the listed Elm Tree Cottage has evidential and historical value in exemplifying a sixteenth to seventeenth century cottage and ancillary buildings, on an evolved rural Suffolk homestead. Given the above, I consider the special architectural and historic interest of the listed cottage, insofar as it relates to this appeal, lies in the legibility of its sixteenth to seventeenth century rural Suffolk cottage architecture. The subordinate and sympathetic appearance and location of the appeal building in relation to the listed cottage contribute positively to appreciation of the latter's significance.
10. The proposed change in function of the appeal building from a residential annexe to the listed cottage, to a separate dwelling would entail the following. An existing access north of the workshop on the appeal site would provide a driveway separate to the listed cottage's access. The appearance of the appeal building would remain similar and it would continue to have a residential presence. Even if additional rural style hedging were to be planted, it would likely blend in with the presence of other hedging in the locality. As such, the character of the appeal site would be relatively unchanged. Furthermore, it is undisputed that much of the appeal site is apparently a relatively recent, evolved part of the homestead.
11. Also, the architectural character of the listed cottage, and the rural character of the homestead's wider setting, including open countryside and other rural dwellings, would endure within various views in the surroundings of the listed building. Thus, the sense of connection between the listed building and surrounding rural land would endure.
12. Consequently, the appreciation of the listed building as a historic cottage on an evolved rural Suffolk homestead, with countryside beyond, would endure. Accordingly, the proposal would not harmfully fragment its environs, and would have a neutral effect on the setting of the listed building. As such, the proposal would not conflict with Saved Policy CN06 of the Babergh Local Plan Alteration No.2, and Policy CS15 of the Babergh Local Plan 2011-2031 Core Strategy & Policies, which together seek to ensure that development is appropriate to listed buildings and the character of their surroundings, and respects heritage assets. This would satisfy the requirements of the Act. Furthermore, the proposal would accord with the approach of the Framework, taking account of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Conditions

13. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. Conditions covering vehicular access, drainage, bin storage and parking are attached in the interests of highway safety. A condition regarding permitted development rights is necessary in the interests of protecting the setting of the listed building.

Conclusion

14. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

William Cooper

INSPECTOR

Schedule A) Conditions

- 1) The works hereby consented shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: 479-01 Plans + Elevations; Plan 479-02 Site + Location Plans.
- 3) No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
- 4) Prior to the new dwelling hereby permitted being first occupied, the improved access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 5) Before the development is commenced details shall be submitted to and approved in writing by the local planning authority, showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 6) Before the development is commenced details of the areas to be provided for storage of refuse/recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use, and shall be retained thereafter for no other purpose.

- 7) Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles, including secure cycle storage, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 8) Before the access is first used, clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).
- 9) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement, insertion of new openings or other alteration of the dwelling house shall be carried out. No garage, carport, fence, gate, wall or any other means of enclosure, building or structure shall be erected.