



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2022

Appeal Ref: APP/F3545/D/21/3280503

94 Cannon Street, Bury St Edmunds IP33 1JU

- 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 Miles Corner against the decision of the West Suffolk Council.
 - The application Ref DC/21/0991/HH dated 17/03/2021, was refused by notice dated 13/07/2021.
 - The development proposed is retention of boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form.
3. At the time of my site visit, the development was in place. The original application form made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the Bury St Edmunds Town Centre Conservation Area.

Reasons

5. The site is within a predominantly residential area within the Bury St Edmunds Town Centre Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
6. The Conservation Area in this location is characterised by residential properties within relatively narrow streets, with varying designs of boundary enclosures within the area, although predominately they are brick walls. Properties in the immediate area are characterised by buildings hard up to the footpath or with small front gardens bounded by low boundary enclosures. The strong building lines and material used add to the Conservation Areas significance

7. I understand that the original brick wall which the development before me replaced was of a similar height and of modern brick matching the brickwork of the appeal property. From my observations the boundary enclosure the subject of this appeal is similar to the timber fence to the rear of No. 95 Cannon Street, I also noted other timber fences adjacent. Notwithstanding this, these fences are not on a corner plot nor in a prominent location.
8. From observations during my site visit, a large timber fence with concrete posts is not a common feature in the conservation area. The fence the subject of this appeal is clearly visible from Cannon Street, Church Row and Pea Porridge Green. Whilst the original wall may not have been of historical significance itself the replacement fence is out of keeping with the materials used in the area and has a stark appearance.
9. The fence could be painted or stained; however, this would not soften the appearance of the incongruous structure to a degree which would assimilate it into the streetscene.
10. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.
11. I find that the proposed development would lead to less than substantial harm of the significance of the Conservation Area. Paragraph 202 of the Framework states that where a development leads to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The appellant has indicated that the original brick wall was unstable and costs associated with replacing it with brick or repointing it were prohibitive, however I have not been presented with demonstrable evidence to support this. I find that there are no public benefits which would outweigh the harm caused by the proposed development.
13. I conclude that the proposed development would not preserve or enhance the character or appearance of Bury St Edmunds Town Centre Conservation Area.
14. There is conflict with Policy CS3 of the Forest Heath Local Development Framework, Core Strategy Development Plan Documents 2001-2026 (with housing projected to 2031) (2010) and Policies DM2 and DM17 of the Forest Heath and St Edmundsbury Local Plan, Joint Development Management Policies Document (2015) which amongst other things seek to ensure developments preserve and enhance the character and appearance of the conservation area.
15. There is conflict with the Framework which seeks to ensure developments make a positive contribution to local character and distinctiveness.

Conclusion

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

C Pipe

INSPECTOR