



Appeal Decision

Site visit made on 21 December 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2022

Appeal Ref: APP/D3505/D/21/3281098

Vincent's Farm, Harrow Street, Leavenheath CO6 4PW

- 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 and Mrs Triner against the decision of Babergh District Council.
 - The application Ref DC/21/02511, dated 27 April 2021, was refused by notice dated 13 July 2021.
 - The development proposed is described as the "erection of a single storey rear extension and garden room (following demolition of existing single storey extension); loft conversion including insertion of roof lights to rear and two new dormers to front, replace porch on north elevation (front), reinstatement of chimney and new vehicular access".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and garden room (following demolition of existing single storey extension); loft conversion including insertion of roof lights to rear and two new dormers to front, replace porch on north elevation (front), reinstatement of chimney and new vehicular access at Vincent's Farm, Harrow Street, Leavenheath CO6 4PW in accordance with the terms of the application, Ref DC/21/02511, dated 27 April 2021, subject to the conditions on the attached schedule.

Preliminary Matter

2. Since the submission of the appellants 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 the effect of the proposal on the:
 - character and appearance of the host property, and
 - building as a non-designated heritage asset.

Reasons

Character and Appearance

4. The appeal site forms a detached dwelling that is set back from the road with a small garden to the front and a private garden area to its side and rear. The area is

generally rural in character, containing a variety of style and size of property that are generally arranged in a linear manner.

5. It is intended to introduce two pitched roof dormer windows into the roof which would be aligned with the windows below. Given the size and positioning of these particular alterations, I do not find them to be obtrusive and would complement the existing building. The proposed porch would sit under a central first floor window, using natural slate, red bricks and timber. It would add interest to the building's front elevation, complementing its proportions and symmetry. Furthermore, the re-introduction of a chimney would create interest in the buildings overall form. Thus, I find these elements to be acceptable.
6. As the dwelling is set forward of its neighbours, the existing single storey rear extension is visible from the road when looking east towards the site. The replacement extension would protrude further into the garden than the existing extension, with its main element separated from the dwelling through a hall link. However, the main element of the extension would be constructed of contrasting materials, employing zinc to cover the pitched roof and white render for the walls. The use of contrasting materials, coupled with the positioning of the hall link which would be set lower than the extension, the development would appear subservient to the main dwelling.
7. Furthermore, although the extension would add to the overall floorspace of the dwelling and proposes an asymmetric design, it would nonetheless sit comfortably within the plot and appear as a well-designed contemporary addition, while allowing the main dwelling to remain the dominant structure. Moreover, as the main element of the extension would be positioned away from the rear elevation, the first floor windows obscured by the proposal would only be visible when viewing the rear of the dwelling from within the garden area, and when looking directly from the front of the extension.
8. Thus, the development would not result in harm to the character of the host property. It would not be in conflict with Policy CN01 and HS33 of the Babergh District Council Local Plan 2006 (LP), Policy CS15 of the Babergh District Council Core Strategy (CS) and paragraph 130 of the Framework.

Non-designated Heritage Asset

9. I find the significance of the property to display some design features on its front façade which, along with its use of materials, represents a simple, symmetrical and attractive building of a traditional design. The Council state that within its decision notice that the building is a non-designated heritage asset (NDHA). In considering such matters, the advice within the national Planning Practice Guidance (PPG) states that there are a number of processes through which a NDHA may be identified. Importantly however, regardless of how they are identified, the decision to identify them as a NDHA must be based on sound evidence.
10. Moreover, accessible, clear, and up to date information on a NDHA must be made available to the public to provide greater clarity and certainty for developers and decision-makers, including information on the criteria used to select NDHA and about the location of existing assets. The PPG also stresses that it is important that all non-designated heritage assets are clearly identified as such¹, and from the information that has been presented, I cannot be certain that this is the case before me.

¹ Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

11. Nevertheless, even if the building was considered to represent a NDHA, I am not persuaded that the significance of the dwelling and its rural character would be diminished or that its overall charm would be compromised through the additions as proposed. Although a modest sized addition, the main dwelling itself would be largely unaffected and would remain the dominant feature in the street scape, with the proposal evidently a contemporary addition to the building. Therefore, the development would preserve the significance of the building as a NDHA. It would not be in conflict with paragraph 203 of the Framework.

Conditions

12. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the PPG which I have reworded where necessary in the interests of concision and enforceability. Along with the standard time condition (1), the approved plans (2) should also be specified to provide certainty.
13. In the interest of the character and appearance of the area, the materials (3) used on the development shall also match those used on the existing building, unless otherwise specified on the approved plans. In the interest of highway safety, details of surface water drainage (8) shall be agreed with the Council. The new access shall also be surfaced with a bound material (7), provided at an acceptable width (4) and gradient (5), and kept free of obstructions (9). Parking and manoeuvring areas must also be provided (6) within the site.
14. The Framework states at paragraph 56 that planning conditions should be kept to a minimum. As the development is for a single storey extension to an existing dwelling, I do not find the requirement to provide details of refuse and recycling facilities necessary. Furthermore, the Council has suggested a number of conditions requiring the submission of details relating to the new dormer windows and materials for the new chimney, porch and roof. It is also suggested that a construction management strategy needs to be agreed with the Council. However, it is evident from the submitted plans and application forms what materials will be used for the development and what the final development would look like. Thus, having regard to the scale of the development proposed and taking into account paragraph 56 of the Framework, I do not find these conditions to be necessary or reasonable.

Conclusion

15. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan, 1298.02, 1298.03, 1298.01B, 1298.02B, 1298.03C and 1298.04D.
3. The external facing and roofing materials to be used shall match in colour, texture and form of those used on the existing building, unless those as specified on the approved plans and documents.
4. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01 and with an entrance width of 3 metres and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.
5. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.
6. Prior to the improved dwelling hereby permitted being first occupied, the area within the site shown on drawing 1298.04D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.
7. Prior to the improved dwelling hereby permitted being first occupied, the new 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, and shall be retained thereafter in its approved form.
8. Prior to the improved dwelling hereby permitted being first occupied 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.
9. Before the access is first used visibility splays shall be provided as shown on Drawing No..04D and thereafter retained in the specified form.
Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

End.