



Appeal Decision

Site visit made on 19 April 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2022

Appeal A Ref: APP/Y2620/W/21/3284602

Dennisby House, The Street, Swanton Novers, Melton Constable NR24 2QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr C Bloomfield against North Norfolk District Council.
 - The application Ref PF/21/0551, is dated 25 February 2021.
 - The development proposed is two storey and part single storey rear extension.
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Appeal B Ref: APP/Y2620/Y/21/3284603

Dennisby House, The Street, Swanton Novers, Melton Constable NR24 2QZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr C Bloomfield against the decision of North Norfolk District Council.
 - The application Ref LA/21/0552, dated 25 February 2021, was refused by notice dated 29 July 2021.
 - The works proposed are internal and external works associated with extensions and alterations to dwelling.
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Decision - Appeal A

1. The appeal is dismissed, and planning permission is refused.

Decision - Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning except where indicated otherwise.
4. Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission. The Council resolved that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effects of the scheme on (1) the grade II listed Dennisby House and (2) protected species. The main issues in both appeals are therefore:

- Whether the proposed development/works would preserve the grade II listed Dennisby House, The Street, Swanton Novers or its setting and any features of special architectural or historic interest that it possesses.
- The effect of the proposal on protected species.

Significance of Dennisby House

5. The appeal property is a detached grade II listed two storey dwelling (Dennisby House), positioned close to the road in a small rural ribbon settlement. It is C1840 red brick with red pantiles with three sliding sash windows above two either side of a six-panel door. It has a two storey outshot to its rear which is of basic construction with a catslide roof. It also has a conservatory of degraded appearance. Insofar as is relevant to these appeals, I find the significance of the listed building derives from its formal, traditional architectural detailing and its positioning in the small rural settlement.

Effects on Dennisby House

6. The Council have granted planning permission for a similar but smaller scheme¹ (the 2018 scheme). Although that scheme has not been implemented, the appellant has said that scheme could still be. This is not disputed by the Council. However, although the proposal before me would have a similar footprint, it would be for a larger extension and of a different design with more substantial alterations to the rear roof slope. The appeal proposals would have two symmetrical gables either side of a valley, very different to the approved scheme.
7. I accept those gables would have a similar roof pitch to the main roof and would be set in from the side elevations with a lower ridge line than the main roof retaining the catslide elements. I also note the scheme would incorporate windows of the same proportion and design to those on the main front elevation and the scheme would be finished in matching materials.
8. However, the proposed pitched roof projection from the main rear roof slope would be substantial. When viewed from the side elevation approaching the appeal site on The Street heading south, the proposed roof would be prominent and widely visible over the space to the side of the appeal property. In my view, the proposed pitch roof from this vantage point, would dominate the rear roof slope of the appeal property. Consequently, it would detract and draw attention away from the simple traditional formal architectural detailing of the grade II listed building, harming the significance and failing to preserve the listed building.
9. The harm I have identified to the significance of the listed building would be less than substantial. In which case paragraph 202 of the National Planning Policy Framework (NPPF) requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use. I return to this in my overall planning balance.

Protected Species

10. The Council have alleged that the roof void of the appeal property may be hosting roosting bats. I am told this view is informed by an Ecology Survey

¹ Council references PF18/1183 & LA/18/1184

which was undertaken alongside the 2018 scheme which also would involve significant works to the appeal property roof. This survey is not before me and in any event is now of some age.

11. However, its existence or its findings are not disputed. Whilst I note the assurances from the appellant that they have lived in the property since August 2020 and have not seen any bats in the roof void of the house during this time, against this background, the appearance of the existing roof, the extent of the works/development proposed and in the absence of any substantive evidence to the contrary, I find there could be a reasonable likelihood of harmful impacts to roosting bats.
12. I acknowledge the Council have suggested a condition which the appellant is agreeable to which would require a bat survey and any necessary mitigation to be agreed. I also accept that the 2018 scheme is subject to a similar condition.
13. However, Circular 06/005 (paragraph 99) makes clear that the presence or otherwise of protected species, and the extent that they may be affected by proposals should be established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It says clearly that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.
14. There are no such exceptional circumstances before me. Thus, in this case I must take a precautionary approach and find with the absence of substantive evidence to the contrary there is a significant risk the appeal proposals would be harmful to protected species. The proposal is therefore contrary to Policies EN 9 of the adopted North Norfolk Local Development Framework Core Strategy (2008) (CS), which among other things seeks to ensure new development does not harm biodiversity including protected species.

Planning and Heritage Balance

15. The proposals would improve the living conditions for the occupiers in terms of additional internal living space. It would also involve the removal of the conservatory of poor appearance, the removal of UPVC windows and replacement with timber, general work to restore the condition of the listed building including addressing damp issues and landscaping and biodiversity enhancements. Even If I accept these were all public benefits, the combined benefits are modest and would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset. The risk of harm to protected species carries further weight against the proposals.
16. Therefore, overall, I find the proposed development/works would fail to preserve the grade II listed Dennisby House and its setting contrary to the respective sections of the Act and the Framework.
17. For the same reasons both appeal proposals would also conflict with the development plan, particularly Policies HO 8, EN 4 and EN 8 of the CS which taken together seek to ensure good design generally and seek to protect and enhance the historic environment.

Conclusion

18. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed, and planning permission for appeal scheme A should be refused.

L Fleming

INSPECTOR