
Appeal Decision

Site visit made on 27 May 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/W3520/D/21/3279071

Applewood, Victoria Terrace, Fressingfield, Eye, IP21 5QA

- 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 Brian Burrell against the decision of Mid Suffolk Council.
 - The application Ref. DC/21/02042 dated 2 April 2021, was refused by notice dated 1 June 2021.
 - The development proposed is the erection of a garden shed and log store
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a garden shed and log store at Applewood, Victoria Terrace, Fressingfield, Eye, IP21 5QA in accordance with the terms of the application, Ref DC/21/02042, dated 2 April 2021, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue in this case is the effect on the streetscene and the impact on the conservation area and the settings of listed buildings.

Reasons

3. The site is part of the garden area of a modern detached dwelling, of recent construction, located on the corner of Victoria Terrace and Church Street. The dwelling is located close to the eastern boundary of the site, away from the Church Street frontage, with its garden and parking areas occupying the remaining curtilage at the front and to the north of the dwelling. The site is located at a higher level than Church Street, so that the garden area, and the dwelling itself, is largely hidden from view by the tall privet hedges, quoted as over 2m high. The neighbouring dwelling 'Hillside' lies to the north, with Number 1 Victoria Terrace to the east, neither of which would have a view of the proposed shed.
4. More importantly, three listed buildings are located nearby, with The Grade I listed Church of St Peter and St Paul to the north east, on the opposite side of Church Road. The Grade II* Fox and Goose Cottage (The Fox and Goose Inn) lies to the west, separated from the church by the churchyard, and set back and barely visible from Church Street, except from the south. The Grade II Providence House lies on the corner of Church Street with Victoria Terrace, opposite the site. The site and the listed buildings lie within the Fressingfield Conservation Area.

5. The appellant has offered to reduce the ridge height of the shed from 2.4m to 2.2m. With this reduction, and a condition requiring the hedge to be maintained at a level not below 2m, I am satisfied that the shed would be no more than glimpsed, at the most, from outside the site. The design and access statement referred to the sides of the shed being finished with traditional Suffolk softwood feather-edged weatherboards, and the windows and doors being in softwood. However, the plans of the shed show 'timber effect' upvc cladding and a upvc door. Even though little would be seen of the shed, bearing in mind the sensitive nature of the site within the conservation area and with the listed buildings close by, I consider that the use of traditional materials would be essential. A condition could ensure the use of those materials.
6. There is a willow tree within the garden to the north-east of the proposed shed, which rises above the hedge and is an attractive feature above Church Street. I consider that it should not be disturbed by the modest foundation required for the shed, and a condition could achieve the necessary assurance for its retention.
7. The matters dealt with above assure me that the settings of the listed buildings would not be harmed, and the proposal would preserve or enhance the character or appearance of the conservation area. I will therefore allow the appeal, subject to conditions.

Conditions

8. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; conditions 3, 4 and 5 are to ensure that the appearance of the development permitted integrates with the surroundings in a visually satisfactory manner in the interests of the amenity and heritage value of the locality and to safeguard local distinctiveness; condition 6 is to ensure the retention of screening by the existing hedge in the interests of the amenity and heritage value of the locality and to safeguard local distinctiveness; and Condition 7 is to enable the Local Planning Authority to retain control over the development in the interests of the amenity and heritage value of the locality and to safeguard local distinctiveness.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Save for the materials dealt with in condition 3 and the height dealt with in condition 4, the development hereby permitted shall be carried out in accordance with the drawings (unnumbered): site location and layout, plan and elevations, isometric sketch and Land Registry plan.
- 3) Notwithstanding the annotations on the elevations drawing, the materials used for walls, shall be softwood feather-edged weatherboards, and the windows and doors shall be softwood.
- 4) Notwithstanding the annotations on the elevations drawing, the height of the roof ridge shall be no more than 2.2m measured from ground level.
- 5) Before any development hereby permitted is commenced, including any removal of soils, details of the nature and depth of the slab foundation on which the shed shall be erected shall be submitted to and agreed in writing by the local planning authority so that such excavation as may be required shall not do significant damage to the roots of the willow tree that is situated north-east of the site of the shed.
- 6) The privet hedge on the north-west and south-west boundaries of the curtilage, in the vicinity of the shed shall at all times be maintained at not less than 2.2m from ground level.
- 7) Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 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 garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected on the site, except pursuant to the grant of planning permission on an application made in that regard.