



Appeal Decision

Site visit made on 9 August 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST September 2022

Appeal Ref: APP/Z1510/D/22/3292918

Laundry Cottage, Church Road, Bulmer, SUDBURY, CO10 7EL

- 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 Graham Hall against the decision of Braintree District Council.
 - The application Ref. 21/03477/HH, dated 27 November 2021, was refused by notice dated 24 January 2022.
 - The development was described as "retrospective planning permission for cart lodge approved under application 20/01673/HH but not built to approved plans".
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Decision

1. The appeal is allowed and planning permission is granted for erection of cart lodge at Laundry Cottage, Church Road, Bulmer, SUDBURY, CO10 7EL, in accordance with the terms of the application, Ref. 21/03477/HH, dated 27 November 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale location plan; P20-18_HALL_Cart Lodge; and P20-18-r2_HALL_Cart Lodge.
 - 2) The window in the eastern gable end shall be timber-framed. Prior to its installation, drawings that show details of the proposed new window, fascia and sills to be used by section and elevation, at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Procedural Matters & Background

2. The description in the banner heading has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, being the description on the Council's decision notice. For clarity, and to reflect the definition of development within the terms of the Planning Acts, I have used this more succinct description in the formal decision.
3. The Council adopted Section 2 of the Braintree District Local Plan 2013 - 2033 on 25 July 2022 (BDLP), and the policies of the Braintree District Local Plan Review (2005) which were listed in the reasons for refusal have been superseded. The Council has confirmed that the draft Section 2 Policies LPP 38, LPP 55 and LPP 56 have been renumbered in the newly adopted plan as LPP 36, LPP 52 and LPP 53 respectively. The appellant had the opportunity to comment on the draft policies as part of the appeal, and for the avoidance of

doubt I have assessed the appeal development against the newly adopted policies.

4. Planning permission was granted for 'erection of a cart lodge' at the site under ref. 20/01673/HH in December 2020. The ridge height of the building shown on the approved section drawing was 5130mm. There were no openings in the roofspace. The approved block plan indicated that the building would be sited 1000mm from the northern side boundary.
5. The cart lodge has been built slightly further from the northern boundary, with a ridge height of 5490mm¹, and eaves height of 2000mm (as opposed to the approved 2025mm). A black boarded door has been installed in the western side elevation. A window is proposed in the roadside-facing elevation.

Main Issues

6. The main issues are the effect of the building on (1) the character and appearance of the appeal site and the street scene, including the Bulmer Conservation Area and the setting of the Grade I listed Church of St Andrew; and (2) the living conditions of adjacent residents, with particular reference to outlook, access to light and overshadowing.

Reasons

Character and Appearance

7. The appeal property is a Victorian dwelling set back from the road, and its attractive and traditional appearance makes a positive contribution towards this part of Bulmer Conservation Area. The dwelling sits between more modern housing, and there are views of the listed church in gaps between buildings.
8. The cart lodge has been built in the deep and open front garden of the dwelling, but set off towards one side. This means that the building does not intrude unduly into views of the main front elevation of the house, and does not interrupt the views of the church via the gap between Laundry Cottage and the two-storey house to the south.
9. The principle of a double cart lodge on the site has been established with the grant of planning permission under ref. 20/01673/HH (and earlier permissions). With a ridge height of over 5m, the approved building would have been a notable but not unusual feature in the street scene, there being other garages within front gardens along Church Road and beyond. The footprint of the building has not changed, albeit moved slightly further from the boundary, and it has been constructed from traditional materials appropriate to its conservation area location. In this context, I do not consider that the increased height and change to roof pitch have materially altered the design, its relationship to the host property and its setting. It appears neither overbearing or overly prominent in the street scene, and is subordinate to the host dwelling.
10. I note the Council's view that, as built, the eaves to roof ratio has been compromised, the profile has been raised, and there is a more vertical expanse of roof. However, I consider that this appears more pronounced on paper than on the ground, and that deep roof slopes were also a feature of the approved

¹ As stated on a submitted elevation on drawing no. P20-18-r2_HALL_Cart Lodge

design. I do not share the Council's view that the timber door and proposed window would be domesticated features; the door has little impact on the building and the proposed window would be a minor detail in the boarded gable.

11. There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions; and to have special regard to the desirability of preserving a listed building or its setting. In the context of paragraph 202 of the National Planning Policy Framework (the Framework), I do not find that the building has resulted in harm to the significance of the Bulmer Conservation Area, or to the setting of the Church of St Andrew. Views towards the church are assessed above, but seen from the churchyard, the roof of the appeal building appears as an incidental part of a mixed roofscape.
12. I therefore conclude that the building is acceptable in terms of its effect on the character and appearance of the appeal site and the street scene, including the Bulmer Conservation Area and the setting of the Grade I listed Church of St Andrew. It does not conflict with the design and heritage conservation aims of the Framework, and BDLP Policy LPP 36, which amongst other criteria requires outbuildings to be subordinate to the original dwelling in terms of bulk, height and position, and to have no unacceptable adverse impact on any heritage asset or their setting; and with BDLP Policy LPP 52, which seeks high standards of design in harmony with the character and appearance of the surrounding area, and sensitive to the need to conserve and enhance local features of architectural, historic and landscape importance. It is in keeping in terms of scale, design and materials with the village, as set out in the Bulmer Village Design Statement.
13. Although not listed on the decision notice, I consider that the building protects and enhances the historic environment as sought by the supplied Policy LPP 47.

Living Conditions

14. Planning permission has been granted for a building of not dissimilar height in largely the same position as the appeal building. BDLP Policies LPP 36 and LPP 52 both seek to ensure that development has no unacceptable adverse impact on the amenities of adjoining residential properties, in terms including privacy, overshadowing or an overbearing impact.
15. The adjacent single-storey dwelling, Fairfield², is to the north of the constructed building, but due to the boundary alignment both properties are oriented away from each other. There is a gap between the two buildings, and the projection of the cart lodge beyond the closest rear window of Fairfield is reasonably modest. The roof slopes away from the shared boundary, and the eaves level is no higher than the approved scheme. The additional height of the structure and steeper roof pitch have not created an unduly overbearing and dominant addition in relation to the neighbouring property, including its rear garden area.
16. I therefore conclude that the resultant building does not cause material overshadowing, loss of outlook and light to Fairfield. Reasonable living conditions for current and future occupants of the adjacent dwelling are, and

² Identified as 'Whitegate' on the submitted plans and in the officer report, but 'Fairfield' on the location plan and on site.

would be, maintained. The development accords with the aims of BDLP Policies LPP 36 and LPP 52, and paragraph 130 f) of the Framework, which seeks to create places with a high standard of amenity for existing and future users.

Conditions

17. As the building has been constructed, I have not included a time limit condition, but I have attached a condition specifying the approved drawings as this provides certainty. As it has been built, I have not applied a condition to secure matching materials, but I have modified the condition recommended by the Historic Buildings Consultant in the consultation response to the Council. This is to ensure that the design and materials of the proposed window are appropriate for the conservation area and the setting of the listed church.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR