



Appeal Decision

Site visit made on 26 July 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/F3545/W/21/3285275

27 Old Clements Lane, Haverhill CB9 8HD

- 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 Mrs Susan Franks against the decision of West Suffolk Council.
 - The application Ref DC/17/2269/FUL, dated 20 October 2017, was refused by notice dated 21 April 2021.
 - The development proposed is demolition of existing dwelling and associated garage and erection of three new dwellings on land at 27, Old Clements Lane, Haverhill.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling and associated garage and the erection of three new dwellings on land at 27 Old Clements Lane, Haverhill CB9 8HD in accordance with the terms of the application, Ref DC/17/2269/FUL, dated 20 October 2017, subject to the following conditions in the schedule to this decision below.

Main Issues

2. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the area; and
 - (b) whether the existing dwelling comprises a non-designated heritage asset, and if so, whether there is clear justification for its loss when weighed against any benefits.

Reasons

Character and Appearance

3. The appeal site is located at the end of a short dead-end road. It comprises a detached two-storey dwellinghouse, elevated above this road, and set within a substantial plot. Old Clements Lane appears to have existed historically, with older dwellings positioned along one side, but the lane has now been surrounded by more modern housing developments that comprise a wide variety of property types, heights, designs and materials. There is no cohesive design or character to the dwellings in the surrounding area and plot sizes vary significantly. The urban grain of the area is also mixed with terraces with long narrow rear gardens, bungalows and semi-detached dwellings set within larger plots, and high-density housing estates.
4. Clements Lane runs adjacent to Old Clements Lane and is elevated above the appeal site. A mature hedge forms the boundary between Clements Lane and

Old Clements Lane, thereby highly screening the appeal site when stood adjacent to the hedge. However, due to the rising nature of existing ground levels and the height of some existing dwellings, the appeal site is visible from the surrounding area.

5. Following the demolition of the existing dwelling, it is proposed to erect three detached two-storey dwellings. The dwellings would have a similar design, with House 1 also having a two-storey attached garage with living accommodation above. The dwellings would be constructed of a mix of materials, including red/buff facing bricks, cream render to the first floor of House 2, timber effect boarding to the first floor of House 3 and slate/pantile roof tiles. These materials would complement the mix of materials present in the surrounding area. Each dwelling would have a front garden with off-street parking and a rear garden that would be larger than the majority of existing rear gardens in the surrounding area. The ratio of built development to each plot size would also be larger than most plots in the surrounding area. Given the relationship of the proposed dwellings to each other and the surrounding buildings, and given the space provided around them, the proposal would not comprise a cramped form of development.
6. In relation to the first main issue, the proposed development would not harm the character and appearance of the surrounding area. As such, it would comply with Policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document, adopted February 2015 (JDMPD) and Policy CS3 of the Forest Heath Local Development Framework Core Strategy Development Plan Document, adopted May 2010, which amongst other things, seek to maintain a sense of place and/or local character by basing design on an analysis of existing buildings and that designs should respect the character, scale, density and massing of the locality.

Non-Designated Heritage Asset (NDHA)

7. The proposal would involve the demolition of the existing dwelling and its replacement with three dwellings. The Council's Senior Conservation Officer indicates that No 27 Old Clements Lane dates from the mid to late 19th century, possibly earlier. The building represents a design that has now become uncommon or exceptional to the locality, particularly given the presence of the cellar which was potentially used as a workshop associated with the textile industry. This in itself is quite unusual and of particular local interest and significance due to the presence of the Gurteen factory within the town. The building has undergone a number of changes but despite this, the building exhibits a positive architectural appearance in the streetscape and is still recognisable from the appellant's picture from the late 19th century. The building forms a group with the immediately adjacent historic buildings. I agree with the Council's Senior Conservation Officer that the building, although not appearing on a Local List, is of sufficient architectural and historic significance to be considered a non-designated heritage asset (NDHA).
8. The proposal would lead to the total loss of the NDHA and therefore the significance of the building would be directly affected by the proposals. According to Policy DM16 of the JDMPD in cases where the works would cause harm to a local heritage asset, clear justification for the works must be provided so that the harm can be weighed against any public benefits.

9. Evidence has been provided by the appellant as to the likely cost of refurbishing the existing dwelling to a habitable standard, which concludes that it would be financially unviable, as the value once renovated would not exceed the cost of renovation. From undertaking an internal and external inspection of the property during my site visit, the building appeared in an extremely poor condition and the assessment is credible. It is also noted that these costings were based on 2018 estimates. I have no evidence about the degree of cost increases since the Covid-19 pandemic or up-to-date valuations. However, the appellant's submissions on these matters are not disputed by the Council. Therefore, I agree that there is no realistic prospect of the existing building being re-used.
10. It seems very unlikely that the building could be re-used as a dwelling. Even if the necessary repair works were undertaken, very little of its fabric would remain and this would detract from its architectural and historic significance. In these circumstances, where I have no evidence of any deliberate neglect of the buildings, I can accept that the building is likely to continue to deteriorate which, in itself would, detract from its significance. There would be public benefits in allowing suitable replacement buildings on the site. Furthermore, the proposal would create three dwellings in a location that is close to facilities and services, and it would add a modest increase to the supply of housing within the area. There would also be some short-term benefits to the local economy associated with the construction of the proposed dwellings, and long-term benefits to the local community associated with the occupation of the dwellings and the occupiers' use of local services.
11. Since the appeal scheme was refused, the Council has issued a prior approval for the demolition of No 27 Clements Lane under Ref DC/21/2255/DE1. The issuing of a prior approval is not in itself proof that the building would be demolished. However, given the building's condition and the apparent unviable cost of refurbishing to a habitable standard, it is my opinion that it is more than likely that the building would be demolished even if this appeal were to fail. This is therefore a genuine fallback position that I attach significant weight.
12. In relation to the second main issue, the existing dwelling is a NDHA and there is clear justification for its loss when weighed against the public benefits. As such, it would comply with Policy DM16 of the JDMPD, which amongst other things, seeks to protect local heritage assets. In addition, the proposed development would also comply with paragraph 203 of the National Planning Policy Framework (NPPF).

Other Matters

13. I have had regard to the comments of interested parties, particularly with respect of highway matters, including but not limited to, current parking issues, pedestrian safety, the narrowness of Old Clements Lane, the proposed number of parking spaces, emergency services access requirements, highway safety issues associated with an increased number of vehicles using Old Clements Lane. However, Suffolk County Council Highways Authority in their consultation response did not raise an objection on these grounds. The site is within an accessible urban area where there should not be an over-reliance upon private vehicles, and the proposed off-street parking spaces and the garage of House 1 retained for the parking of vehicles secured for the long-term through a planning condition. The proposal would not lead to unsafe highway safety

concerns for that reason as well as additional safeguards by requiring visibility splays and cycle parking as well as environmental advantages of electric vehicle charging points.

14. Whilst the construction phase of the development could potentially be disruptive, it would be short-term, and some effects could be mitigated by way of conditions. Damage to road surfacing from construction/delivery vehicles could occur, but from the information before me, there is no indication that this would be overly likely to occur in this instance and I have no reason to consider that it would not be controlled by provisions separate from the planning regime. Rights of access over a private access track is a civil matter.
15. Landscaping would be a matter to be agreed via condition, rather than considered at this stage of the application process, but I note that the "Site Plan as Proposed" indicates that a number of trees would be retained within the rear gardens of the proposed dwellings, as well as the hedge along the boundary with Orchard Close. Furthermore, the proposed dwellings would be positioned on a lower ground level and would appear as dormer bungalows from Orchard Close. The development would have an acceptable impact upon the living conditions of neighbouring properties within Orchard Close.
16. It has been suggested that the appellant no longer owns the appeal site as it was sold at auction in June 2021. Planning permission runs with the land and the appeal has been validly made by the same person who made the planning application.

Conditions

17. I was not supplied with any suggested conditions in respect of the proposed development by the Council, however, I have had regard to the conditions detailed at the end of the Council's committee report which I have used as the basis of the wording. I have had regard to the tests for conditions set out within the NPPF and as a result, I have amended some of the conditions for consistency and clarity.
18. In addition to the standard condition, which limits the time for the commencement of development, I have specified the approved plans for the avoidance of doubt. Conditions relating to the submission, approval and implementation of a landscaping scheme; and the provision and approval of bin storage areas for each property, are necessary to ensure the appearance of the proposed development would be satisfactory. The appellant has agreed to the landscaping condition being amended to also include details of soft, as well as hard, landscaping as this was omitted in the Council's conditions, although an implementation condition for soft planting was included. The materials for each dwelling are detailed on the approved drawings and as a condition will require adherence to the approved plans, it is not necessary to attach a separate condition.
19. I attach a condition in respect of the submission and approval of existing/proposed ground levels and finished slab and floor levels due to the sloping nature of the appeal site and to safeguard the living conditions of neighbouring properties. This condition is a pre-commencement condition, and the appellant has agreed to its inclusion. A surface water drainage strategy is necessary to ensure existing and future residents are not affected by surface water run-off, given that the existing ground levels are to be altered.

20. I am satisfied that the conditions in respect of parking and turning facilities, visibility splays, that the garage to House 1 should be retained for the parking of vehicles, and that the vehicular accesses to the proposed dwellings are bound in an impervious material are necessary in respect of highway safety. Conditions requiring cycle storage and electric vehicle charging points to increase the environmental advantages of the proposed development and to promote the use of more sustainable modes of transport are necessary.
21. It is necessary to restrict the hours of working on the site as well as deliveries to and from the site to between specified hours to safeguard the living conditions of adjacent occupiers along with the submission and approval of a construction and deliveries management plan. Conditions removing permitted development rights for extensions, outbuildings, and windows within the northern side elevation of House 1 are necessary to safeguard the living conditions of the occupiers of the adjacent neighbouring property due to the differences in ground levels and the siting of the proposed dwelling.
22. Conditions securing compliance with the submitted Preliminary Ecological Appraisal and for the submission, approval and implementation of a Biodiversity Enhancement Strategy for Protected and Priority Species are required. This will conserve and enhance the biodiversity of the appeal site and will comply with the requirements of Policy DM12 of the JDMPD.
23. I am satisfied that a condition in respect of water efficiency measures meets the tests for conditions as set out in the NPPF, as it is supported by Policy DM7 of the JDMPD. However, a condition in respect of the acoustic insulation of each dwelling's bedrooms and living rooms is not accepted as it requires the development to comply with current guidelines subject to other statutory controls.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Berry

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents: 826/17/01D, 826/17/02C, 826/17/03C, 826/17/04B and H07183/15/001.
- 3) Prior to first occupation, each of the three dwellings hereby permitted shall be provided with an operational electric vehicle charge point at locations the details of which shall have been first submitted to and approved by the local planning authority, with an electric supply to the charge point capable of providing a 7kW charge.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), House One shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.
- 5) The garage provided for House 1 hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows/dormer windows or openings of any other kind, other than those expressly authorised by this permission, shall be constructed at first floor level or above in the north facing side elevation of House 1.
- 7) Prior to the first use of the development hereby permitted, the area(s) within the site shown on Drawing No. H07183/15/001; for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 8) Before the access is first used, visibility splays shall be provided as shown on Drawing No. H07183/15/001; and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.
- 9) All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the local planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.
- 10) The details within the strategy for the disposal of surface water run off (dated 9 December 2019) shall be submitted to, approved in writing and implemented as approved by the local planning authority thereafter. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 11) The development hereby permitted shall not be brought into use/first occupied until details of refuse storage for all dwellings and secure cycle storage facilities for House 2 and House 3 have been submitted to the local planning authority and approved in writing. The development shall be undertaken in accordance with the approved details and made available prior to first occupation of each dwelling. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the local planning authority is obtained for any variation to the approved details.
- 12) No development above ground level shall take place until details of a hard

landscaping scheme have been submitted to and approved in writing by the local planning authority. The scheme shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The approved scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the local planning authority).

- 13) No development above ground level shall take place until details of a soft landscaping scheme have been submitted to and approved in writing by the local planning authority. The scheme shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities.
- 14) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the local planning authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the local planning authority gives written consent for any variation.
- 15) Prior to first use of the development hereby permitted, the vehicular accesses onto the site shall be properly surfaced with a bound impervious material for a minimum distance of five metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 16) The site demolition, preparation and construction works, including deliveries to the site and the removal of excavated materials and waste from the site shall be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1:30pm on Saturday and at no time on Sundays, Bank or Public Holidays without the prior written consent of the local planning authority.
- 17) All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Small Ecology Ltd, December 2020). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 18) Prior to development above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 19) Prior to commencement of development, details of the existing and proposed ground levels and finished slab and floor levels drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
- 20) The dwellings hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with and evidence of compliance has been submitted to and approved by the local planning authority.

*****End of Conditions*****