



Appeal Decision

Site visit made on 4 October 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/W3520/W/21/3289197

The Six Bells, Church Road, Felsham, Bury St. Edmunds, Suffolk IP30 0PJ

- 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 Cordage 13 Limited against the decision of Mid Suffolk District Council.
- The application Ref DC/21/02924, dated 14 May 2021, was refused by notice dated 27 October 2021.
- The development proposed is erection of two detached dwellings and associated parking and landscaping on land to the rear of the public house, utilising the existing public house access.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - The character and appearance of the area bearing in mind it would be within the Felsham Conservation Area and within the setting of the grade II listed Six Bells Public House, Church Road.
 - The living conditions of future occupants of the proposed development with particular regard to privacy.
 - Highway safety.

Reasons

3. The appeal site is a grade II listed public house and associated land (the Six Bells). It is within the village of Felsham and the Felsham Conservation Area (CA).
4. An appeal was dismissed in November 2021¹ for a scheme including three dwellings (the 2021 appeal scheme) and an appeal was dismissed in November 2011² for a proposal including two dwellings (the 2011 appeal scheme). The dwellings proposed in both of those schemes were in roughly the same location as the two dwellings proposed in the appeal before me. Another appeal was also dismissed for a dwelling in 2015³ on a different but adjacent site (the 2015

¹ Appeal reference APP/W3520/W/21/3273690

² Appeal reference APP/W/3520/A/11/2155965

³ Appeal reference APP/W3520/W/15/3028958

adjacent appeal scheme). I have had regard to all three of these decisions in my reasoning below.

5. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Furthermore, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Character and appearance (including heritage assets)

Significance

6. The Six Bells is still in use as a public house. It occupies a prominent central position in the village close to the Church Road edge with significant land behind it. The public house building is of three ranges, the earliest being C16. Its main range is constructed from knapped flint with decorative white brick detailing particularly around its windows, banding and at eaves. It has a hipped slate roof with brick chimney stacks. The other ranges are not as tall as the main range, rendered, and part timber framed with part clay tile and part slate roofs. The grade II listed building also has a variety of intact internal traditional architectural features. Insofar as is relevant to this appeal the significance of the listed building is founded on its historical use as a C16 village public house, its noticeable evolution through the variation in its traditional architectural detailing and its associated positioning in relation to surrounding historical buildings.
7. The CA covers the main built-up area of the village and adjoining fields which are all set in a rural agricultural landscape. It has a variety of large traditional buildings which are sparsely clustered around two greens, one at each end of the village. The buildings are finished in a variety of traditional local materials, notably flint, red and white brick, lime render, thatch and slate. Insofar as is relevant to this appeal the significance of the CA derives from the variety of traditional architecture, the spacious layout of built form interspersed with vegetation and the relationship of the village with the surrounding countryside.

Effects on the Significance

8. The proposal would involve the erection of two large detached dwellings behind the Six Bells. The Inspector in the 2021 appeal scheme did not deal in detail with the effect on the setting or significance of the Six Bells but instead simply stated that that scheme would not have an adverse effect upon the setting of the nearby listed building. However, the Inspector in the 2011 appeal scheme found at that time, that the dwellings proposed in 2011 would be sited sufficiently far from the listed building that they would not harm its setting. That view was partly based on finding the proposed dwellings would be some way beyond any building on the appeal site which would have once formed a courtyard to the rear of the public house.
9. The dwellings before me would be in roughly the same place as those proposed in the 2011 and 2021 appeal schemes. I find no substantive evidence to lead

me to any different conclusions. Thus, consistent with the Inspectors in 2011 and 2021, I find due to the retained trees and overall separation distance, the principle of development in the location proposed would not harm the setting or significance of the grade II listed building.

10. Turning my attention to the effect on the CA. The Inspector in the 2011 appeal scheme found the development proposed at that time would be set well back into the site and was satisfied that sufficient space would be retained to the rear of the Six Bells for the loss of some open land not to be detrimental to the character and appearance of the area. The 2011 Inspector also found the site was surrounded by the rear gardens of neighbouring dwellings and by some commercial development with the main public views of that proposal between other buildings from Upper Green and Bury Road to the west. Overall, the Inspector in 2011 considered that the design and siting of the proposed dwellings in the 2011 appeal scheme would not harm the CA.
11. However, the Inspector in considering the 2021 appeal scheme found the three dwellings proposed would, among other things, be widely visible particularly from buildings surrounding the site. It was also found that when compared to development nearby, the 2021 appeal scheme would have a cramped more urban appearance owing to the space between the proposed dwellings. The Inspector in 2021 also noted the proposed substantial amount of hard surfacing would conflict with the more verdant and rural character of the appeal site's environs and concluded overall, that the 2021 appeal scheme would have an adverse effect on the character and appearance of the area. I also accept the Inspector in the 2021 appeal scheme also noted in considering other matters that the 2021 appeal scheme would not harm the CA or the setting of any listed buildings.
12. Turning to the proposal before me. I acknowledge the attempt to reduce the scale of the proposal in response to similar schemes which were refused planning permission by the Council and dismissed at appeal. I note the Council's relevant Conservation Area Appraisal (CAA) identifies important views none of which would be affected by the proposal. I also note that the trees within the appeal site are not noted within the CAA. I have also noted that the Council's heritage team have not objected to the proposals.
13. However, the proposal would involve the erection of two substantial, tall and wide, four bedroomed detached dwellings each with associated detached carport buildings. The proposed buildings would have relatively large built footprints and would be set in relatively small plots positioned close together at the head of a new access road. There would be glimpsed views of the proposed dwellings through the access drive and through gaps in the vegetation from Church Road and through gaps between buildings on Bury Road. However, the proposed dwellings would be widely visible from the properties which surround the appeal site including the retained outdoor space associated with the Six Bells.
14. In my view, the proposal would noticeably introduce a significant bulk of compact modern development into this part of the CA. Whilst the proposed finishing materials would match those used in the locality, the proposed dwellings would appear as a pair of large executive houses, which would have an overall basic, bulky and cramped appearance which would conflict with the

spaciously arranged variation of traditional buildings with varied architectural detailing in the locality.

15. Even though the appeal site is not directly referenced in the Council's CAA it currently forms part of a pleasant green undeveloped space within the CA. Through the proposed development the spacious quality of this part of the CA would be eroded and a conflicting and incongruous form of development would be introduced. Therefore, overall, even though I have found no harm to the setting of the grade II listed Six Bells, I find the proposed development would harm and fail to preserve or enhance the CA harming its significance as a whole.
16. In reaching these conclusions, I have considered the comments about whether or not the appeal site is in community use. However, there is no substantive evidence to suggest the site would be available for the local community to use if it was not developed. I have therefore determined the appeal based on the site being privately owned without public access.
17. Even so, the harm I have identified to the significance of the CA as a designated heritage asset would be less than substantial. In which case paragraph 202 of the Framework requires it to be weighed against the public benefits of the proposed development. I will return to this matter as part of my overall planning and heritage balance below.

Living conditions

18. The rear elevation of a dwelling known as Maple Cottage would face the proposed private outdoor space of plot 1. Maple Cottage is two-storey with windows serving a bedroom at first floor level facing plot 1. The side elevation of plot 1 would not have any windows which would face Maple Cottage.
19. However, views into the rear garden of plot 1 from Maple Cottage would be down, over boundary fencing and over a reasonable separation distance. Whilst the occupiers of Maple Cottage would be able to look down into part of the garden of plot 1, part of the proposed garden would still remain private due to the viewing angle and boundary treatment.
20. Overall, even taking into account the potential for extensions, there is no substantive evidence to suggest the separation distance between the boundaries of Maple Cottage and proposed plot 1 is not what would be reasonably expected to be experienced in many residential areas. Furthermore, a condition requiring landscaping along this shared boundary could also be imposed.
21. Thus, for these reasons, I find the proposal would not result in harmful living conditions for the future occupants of plot 1 with particular regard to privacy. Consequently, I find no conflict with the good design aims of section 12 and paragraph 130 (f) of the Framework.

Highway safety

22. The proposal would utilise the existing access to the public house car park. This passes between the side elevation of the Six Bells and a brick boundary wall.

23. However, the access is proposed to be upgraded through the provision of white lining. This would improve existing visibility to some 43 metres to the east and some 40 metres to the west. Although, the proposed visibility is below that recommended in Manual for Streets 2, the access is already in frequent use and has been unrestricted for many years.
24. Church Road is not heavily trafficked; its speed limit nearby is 30mph and vehicles pass by the access at relatively low speed. There is no substantive evidence before me which suggests the use of the existing access has ever resulted in any pedestrian or vehicle collisions or any other significant highway safety incidents. In any event, the proposal would improve visibility for those accessing the Six Bells. Furthermore, the highway authority have not objected to the scheme subject to the imposition of planning conditions.
25. Paragraph 111 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
26. In my view, consistent with the Inspector's findings in the 2015 adjacent appeal scheme, given the marginal increase in use of an existing access which is already well used, without substantive evidence to the contrary, I conclude the proposal would not have an unacceptable impact on highway safety in the area. In this regard the scheme would therefore accord with Saved Policies T10 and H13 of the Mid Suffolk Local Plan (1998) (LP) and paragraph 111 of the Framework which, taken together, seek to ensure new development does not compromise highway safety.

Planning and heritage balance

27. The proposal would provide two new dwellings suitable for family occupation. There would be economic benefits associated with construction as well as benefits to the local economy through additional labour force and local expenditure. The upgrade of the existing access would also be of public benefit. The dwellings would be located where services and facilities could be reasonably accessed. However, all the public benefits combined, although significant are insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
28. In reaching these conclusions I have noted the comments with regard to the Council's handling of proposals relating to the appeal site. However, I can confirm I have assessed the scheme on its planning merits.
29. Nevertheless, overall, for the reasons given the appeal scheme would harm the character, appearance and significance of the CA and that harm is not outweighed by public benefits. Thus, the scheme is in conflict with paragraphs 199 and 202 of the Framework and fails to accord with Saved Policies GP1, HB8 and H3 of the LP and Policy CS5 of the Mid Suffolk District Core Strategy Development Plan Document (2008) which taken together seek to ensure good design generally and that proposals do not harm heritage assets.

Other Matters

30. The Council have alleged that the scheme may affect protected species, specifically bats. 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. However, the appellant has submitted an Ecology Appraisal Report dated October 2021 and states this was available to the Council before it submitted its appeal statement. However, the Council have not commented on this document.

31. 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 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. Therefore, had I been minded to allow the appeal I would have sought the Council's views on the appellant's ecology evidence. However, as I am dismissing the appeal for other reasons, in the interests of efficiency I have not addressed the matter any further. For the avoidance of doubt, I have not weighed any effect on ecology in my planning balance and I am satisfied that no party has been prejudiced by my approach.

Conclusion

32. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR