The Planning Inspectorate

Appeal Decision

Site visit made on 17 February 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date:10th March 2023

Appeal Ref: APP/D3505/D/22/3310591
The Old Hall, Hall Road, Chelsworth, Suffolk IP7 7HX

- 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 Mike Driver (MS2 Architectural Consultants Ltd) against the decision of Babergh District Council.
- The application Ref DC/22/01692, dated 30 March 2022, was refused by notice dated 2 September 2022.
- The development proposed is erection of double garage attached to main dwelling.

Decision

1. The appeal is dismissed.

Main Issue

2. The decision notice refers to the appeal property as a 'potential non-designated heritage asset'. However, as it is located within the Chelsworth Conservation Area which is a designated heritage asset, the main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The Chelsworth Conservation Area comprises two distinct areas, with the historic core of the rural village lying to the north of the River Brett. The Old Hall is one of a number of residential properties immediately south of the river close to Bridge Farm. It is a substantial brick-built property with two storey and single storey elements set in generous grounds. It adjoins Stables Cottage, a Grade II listed building, while Bridge Farmhouse, a sixteenth century timber-framed building which also has Grade II listed status, is on the opposite side of Hall Road. The appeal site is within a Special Landscape Area.

4. Due to its landscaped riverside location within the settings of neighbouring listed buildings, the appeal property makes a positive contribution to the character and appearance of the conservation area. The proposed double-fronted garage would be positioned between the boundary wall on the Hall Road frontage and the flat-roofed single storey element of the appeal property. The design and materials would reflect those of the existing building.

5. I note that a number of different locations for the garage were considered and these are shown on the submitted plan. However, these alternatives cannot have a direct or determinative bearing on the appeal proposal, which I am required to consider on its merits in the location proposed.

6. The height of the proposed garage would be subordinate to that of the flat-roofed part of the dwelling that it would adjoin. However, the existing gap between the side of The Old Hall and its boundary reflects the generally open and spacious aspect of this part of the conservation area. Infilling a large part of this gap with built development would result in a more enclosed and less spacious aspect to the road frontage, particularly as the side elevation of Bridge Farmhouse on the opposite side of the road is also close to the boundary.

7. The existing side elevation of the appeal property is broadly in line with the row of dwellings behind it, which have frontages on Hall Road. The sideways projection of the garage would extend the built form beyond this line and so would harmfully impinge on the currently open aspect to the side of the dwelling currently seen approaching along the road from the south.

8. Consequently, the sideways extension of the property close to the road frontage would result in the extended dwelling appearing cramped, with the proposal being a form of overdevelopment due to its proximity to the side boundary. Furthermore, I agree with the Council that the paired garage doors, while made of traditional materials, would appear somewhat incongruous and uncharacteristic in this sensitive location.

9. There is some existing planting to the side boundary, but this is insufficient to screen the effects of the proposed garage so close to the boundary, despite its limited height. While additional planting could be required by condition, such planting should not be viewed as desirable simply to conceal an otherwise harmful form of development. I acknowledge that the proposed site of the garage is currently used for storage and car parking. However, the effects of these existing uses are not directly comparable to the permanent additional form of built development proposed in this location.

10. Therefore, for the reasons given, I find that the proposed garage would fail to preserve the character and appearance of the Chelsworth Conservation Area. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation[1]. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.

11. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal[2]. I am not aware, however, of any public benefits that would overcome the harm that has been found with regard to the proposed garage, the principal purpose of which relates to a private benefit with regard to occupation and use of the appeal property.

[1] Paragraph 199.
[2] Paragraph 202.

12. Therefore, for the reasons given, I conclude that the proposed garage would not preserve the character or appearance of the Chelsworth Conservation Area. Consequently, it is contrary to Policy CN08 of the Babergh Local Plan (2006), which concerns the effects of development in conservation areas. The proposal is also contrary to section 16 of the Framework.

13. In reaching this conclusion I am mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area[3].

Other Matters

14. I have had regard to the representations by interested parties in support of the proposal. These do not, however, raise any additional matters to those considered under the main issue that would overcome the harm that has been found.

Conclusion

15. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

[3] Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.