
Appeal Decision

Site visit made on 28 February 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2023

Appeal Ref: APP/D3505/D/23/3314072
Hollies, Ash Street, Semer, Suffolk IP7 6QZ

- 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 and Mrs R Gomersall against the decision of Babergh District Council.
 - The application Ref DC/22/04503, dated 8 September 2022, was refused by notice dated 3 November 2022.
 - The development proposed is extensions, alterations and extension of garage/annexe.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - i) The effect on the character and appearance of the local area and landscape;
 - ii) Whether the proposal would harm the setting of nearby listed buildings; and
 - iii) Whether the proposed annexe accommodation would be tantamount to the creation of a separate dwelling in the countryside.

Reasons

Character and appearance

3. Hollies is a modern, brick and tile, single storey bungalow with a detached double garage, set on a large plot in the countryside. This is an area of scattered development within a rolling, agricultural landscape, defined as part of a Special Landscape Area (SLA) in the Babergh Local Plan 2006 (LP) for its particular qualities. The proposals would transform and extend the buildings in a contemporary style, including increases in height to accommodate first floor accommodation, large rear extensions and refacing with charred timber cladding and standing seam metal cladding and roofing. Features would include large forward projecting windows to the front and extensive glazing to the rear.
4. The architectural style of local buildings on Ash Street varies, but they are predominantly traditional in design and materials. The existing bungalow,

although not of any significant design quality, has only a modest impact on the street scene and landscape because it is low in height, small in scale, set down below road level and unassertive in its design and materials. The proposed structures, on the other hand, would be substantially taller and larger and the standing seam roofing and glazing especially would be atypical of the area. The buildings would thus become much more prominent and uncharacteristic features in the street scene and landscape.

5. No convincing design justification has been put forward for the contrasting design approach taken in this case. Whilst contemporary, energy efficient design for the 21st Century should generally be welcomed, this proposal seems to pay insufficient attention to its context, detracting from rather than adding to the standard of design locally. This is a sizeable plot with capacity to accommodate significantly larger buildings than existing, but this is insufficient justification for the combined scale and design of proposal.
6. The appellants refer to another recently approved outbuilding nearby, but that is a single storey building of more traditional design and materials. It does not set a design precedent in favour of this appeal proposal. I note that the bungalow could be extended without the need for a planning application under its permitted development rights¹. In the absence of any certificate confirming this, and the required approval for any increase in height, I give this little weight as a fall-back position. In any case, permitted development changes would have a much different visual impact due to the requirements set out in the regulations.
7. I conclude that the proposal would unacceptably harm the character and appearance of the local area and the landscape of the SLA. It would therefore conflict with the aims of LP policies CN01, HS33 and CR04, Babergh Local Plan 2011-2031 Core Strategy & Policies policy CS15 and the National Planning Policy Framework (the Framework), to secure good design that respects local context and maintains or enhances the landscape of the SLA including in terms of scale, materials and features.

Listed buildings

8. Hollies sits next door to the grade II listed Ash Street Farmhouse and its associated range of farm buildings. In line with the legal duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with paragraph 199 of the Framework, I give the conservation of heritage assets like this great weight.
9. The proposal would not be seen in context with Ash Street Farmhouse, as viewed from the lane, but there are views from a public footpath to the side and rear of Hollies in which the 2 properties would be seen together. In this aspect, the extensive glazing at the back of the extended buildings would reflect light on sunny days and light up at dusk, creating a more urban, less sympathetic setting for the historic farm.
10. The amount of harm caused would be, in the terms of the Framework, less than substantial - and at the lower end of that broad spectrum. Even though the harm would thus be minor, it would be significant and there would be no overriding public benefits as advised by Framework paragraph 202. Another

¹ As set out in the Town and Country (General Permitted Development) (England) Order 1995.

listed building, Hill Farm, sits at the top of a hill, well away from Hollies. Its setting would not be significantly affected.

11. I conclude that the proposal would unduly harm the setting of the nearby listed building Ash Street Farmhouse due to its scale, design and materials. It therefore also conflicts with the aims of LP policies CN01 and CN06 and the Framework, to ensure that development harmonises with the settings of listed buildings.

Annexe

12. The proposal would extend the existing single storey, detached double garage upwards and to the rear to form 1.5 storey annexe accommodation. LP policy H35 recognises the need for annexe accommodation and states that it will be permitted in the form of extensions, where the need and functional link is explained, with free-standing annexe buildings only considered where it can be shown that the annexe cannot be provided in the form of an extension. The Council's main concerns are about a lack of justification and the potential for use of the unit as a self-sufficient, separate dwelling.
13. As a general principle, applications should be assessed on the basis of the proposal as submitted, leaving aside concerns that the use might be changed in the future. The proposal here is for annex accommodation so there would need to be good reason to resist the proposal on the basis that the proposal would be tantamount to a new dwelling, as argued by the Council. In line with the judgement in *Uttlesford DC v SSE & White* [1992] the question of whether or not accommodation amounts to a separate planning unit from the main dwelling is a matter of fact and degree, to be judged on the circumstances of each case. Some of the key factors here are size, facilities, distance and physical separation from the house and the intention to live as a single household.
14. The size and range of facilities proposed here are reasonable to allow occupiers a degree of independence. Although not physically linked to the main house, the annexe would be so close (within a few metres) that it can be considered equivalent to an extension. The house and annexe would share the same access, parking area and garden space. It appears to me that there would be a functional link between the main house and annexe and no clear physical separation, so that a new planning unit would not be created.
15. Although the appellants have not put forward any specific need for annexe accommodation, this on its own is not such a significant point that it creates conflict with the policy, taken as a whole. Personal circumstances are not normally of overriding importance in planning decisions. I note that policy H35 also says that a legal agreement will be sought to ensure that occupation of annexes is tied to the main dwelling. No such agreement has been concluded. Framework paragraph 55 states, however, that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. In this case, I see no reason why this matter could not be dealt with by means of a planning condition, if permission were to be granted.
16. I conclude on this issue that the proposal would not be tantamount to the creation of a separate dwelling. It therefore accords in this respect with the aim

of LP Policy H35 to make provision for annexe accommodation with a degree of independence.

Conclusion

17. I have considered all other matters raised and find nothing which would affect my assessment. Although I have found in favour of the appellant in respect of the third main issue, my findings on the first 2 main issues are sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR