



Appeal Decision

Site visit made on 27 March 2023

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/F3545/W/22/3309085

Chapel Farm Cottage, Ann Sucklings Lane, Little Wrattling, Suffolk CB9 7TA

- 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 D Earley against the decision of West Suffolk Council.
 - The application Ref DC/22/0386/OUT dated 28 February 2022, was refused by notice dated 10 August 2022.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application for the proposed development is in outline with all matters reserved other than access and layout which are to be determined in full. However, the application was also accompanied by indicative elevations which I have treated as being for illustrative purposes.

Main Issues

3. The main issues in this case are whether the proposed dwelling would have an adverse impact on:
 - The character and appearance of the surrounding area and development form;
 - The setting of the listed building; and
 - The living conditions for present and future occupants of the Willoughbys and houses to the west and of the proposed house in terms of overlooking, proximity and space standards.

Reasons

4. Chapel Farm Cottage is a residential dwelling originally built as a pair of cottages to serve the former Chapel Farm and is accessed via a private drive off Ann Sucklings Lane which serves a number of large, detached properties. Chapel Farm Cottage has a large rear garden sloping down towards Ann Sucklings Lane from which it is currently separated by mature hedgerow, trees and a close-boarded fence and pedestrian gate. The proposal would see the majority of this garden area subdivided from the host dwelling to create a plot for a new detached dwelling with access taken direct from Ann Sucklings Lane. Chapel Farm Cottage is listed Grade II.
5. To the west of the appeal site a large housing estate is currently being built out with development extending close to the boundary of the listed cottage. To the

east of the appeal site and again close to it stands a large, detached house - The Willoughbys.

Character and Appearance.

6. It was clear from my site visit that the area around the appeal site and along Ann Sucklings Lane is an area of Little Wrattling that has and continues to undergo significant change. The development of Falklands Road and the current development to the west of the appeal site inevitably has had an urbanising effect on what would have previously been a very rural character to the lane. It now has a clearly suburban character and I acknowledge that in some circumstances the principle of infilling a garden plot might not make a significant difference.
7. However, in this case, whilst the density of development in the new estate is not dissimilar to the size of the plot as subdivided from Chapel Farm Cottage, the long, narrow form of the plot and the nature of the layout which that imposes on the site would be at odds with the development immediately adjacent to north and east. Here the development form is much more one of large, detached dwellings standing in substantial plots. It is in comparison with that development form that the appeal proposal would appear out of character. The dwelling would be required to sit in the narrow section of the plot in order to retain a reasonable distance to the listed building to the north-east and in that respect would appear as a cramped overdevelopment of the site.
8. Policies DM2 of the *Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document* (JDMPD) requires that development should recognise and address the key features and characteristics, townscape character, local distinctiveness and special qualities of an area. Policy DM22, specifically on residential design, states that development should create or maintain a sense of place by utilising the characteristics of the locality to create buildings and spaces with a strong sense of place and distinctiveness. The proposed layout would not deliver these objectives. Moreover, a critical element in respect of the success or otherwise of development in terms of the character and appearance of the area relates to the matter of the relationship with the listed host dwelling to which I now turn.

The setting of the listed building

9. From the evidence before me the Grade II listed building Chapel Farm Cottage was constructed in the 19th century originally as two cottages combined into one in the 1900s. The 2 storey house is built in red brick with flint panels within red brick reveals all under a tiled roof. Its south-westerly elevation has an attractive design of centralised half-timbered twin gables facing towards Anne Sucklings Lane.
10. The proposed development would result in the opening up of the frontage onto Anne Sucklings Lane to allow access, with the hedgeline substantially removed which would currently reveal a fine view of the listed building from the lane. However, the positioning, scale and mass of the 1.5 storeyed house means it would sit prominently in the foreground to the listed building directly impacting on almost the last undeveloped part of its setting. I have been invited to conclude that as the listed building sits higher than the new house plot it would still be dominant. However, the angle of view from Ann Sucklings Lane with the new house in the foreground means the new house would be the predominant building and not the listed building to the detriment of its setting.

11. It has been put to me that the development that has taken place around the listed building to the north, south and particularly the west has materially changed the setting. Whilst I acknowledge that these developments have had an impact on the setting of the listed building this is not a justification for constructing a house in the last remaining undeveloped part of the building's setting. The positioning of the development would dominate rather than being subordinate to the listed building. It would not sustain or enhance the significance of the heritage asset as required by the *National Planning Policy Framework* (the Framework) in paragraph 197 nor better reveal the significance as a result of encroaching on the setting.
12. I conclude therefore that the proposed dwelling would not preserve the setting of the listed building contrary to the clear expectations of section 16 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and to which the decision maker is required to have special regard. Moreover, it would be contrary to paragraph 199/200 of the Framework which anticipates great weight being given to a heritage asset's conservation (including its setting). For the same reasons the proposals would be contrary to Policy DM15 of JDMPD, which requires development to respect the setting of listed buildings including inward and outward views. The policy requires development to be of an appropriate scale, form, height, massing and design to respect the building and its setting.
13. Paragraph 201 of the Framework requires that where there is substantial harm to the heritage asset that this must be necessary to achieve substantial public benefits that outweigh the harm. This may have been the justification in respect of the development to the west in terms of the public benefit from the housing need met by the estate but it would not apply in the appeal case. Even if I was to accept that in this case the harm is less than substantial, under paragraph 202 the Framework still requires that public benefits outweigh the harm.
14. I am not persuaded that the provision of a single house and its limited contribution to meeting housing need would be sufficient public benefit to outweigh the harm or the weight and importance apportioned to the desirability of preserving the setting of the listed building in accordance with the statutory test.

Living conditions

15. The construction of the chalet bungalow in the position and laid out as proposed on what is a fairly narrow plot would mean that the house would both overlook the neighbouring property Willoughby's to the south-east and new properties to the north-west (particularly No 85) and be overlooked by them. I acknowledge that the appearance of the house and therefore its final fenestration is a reserved matter but the proposed layout of the house is not a reserved matter and the principal elevations would be set facing south east and north west directly towards existing development. Willoughbys, in particular both its patio area and principal windows, would be in close proximity. Whilst it has been put to me that there is a stand-off on the west side between the new housing estate and the appeal site, in fact it was clear from the site visit that the retained gap is not extensive. Whilst there is some screening on the boundary of the appeal site, the proposed layout of the house would put the north-west facing elevation within about 2 metres of the boundary screening, meaning the more substantial planting may not be able to be retained, thus opening up the boundary.
16. I note the appellant's intention to construct a building that is as low as possible but the positioning of the proposed dwelling, partly sited in the narrowest section of the plot and the limited separation distances involved, could also mean that the dwelling could be overbearing on the Willoughbys and No 85. However, as the

matters of final scale and appearance are not before me at this stage this, in itself, is not reason to dismiss the appeal as it could be capable of resolution subject to the final design.

17. I have been invited to conclude that the proposed dwelling would fail to meet internal space standards. However, again, at this outline stage I am not persuaded that this would necessarily be the case with scale and appearance as reserved matters to be determined. The internal layout could be designed to ensure that space standards are met and therefore at this stage there would not necessarily be an adverse impact on living conditions for future occupants for this reason.
18. Notwithstanding that some concerns regarding the impact of the dwelling on living conditions might be capable of resolution at the reserved matters stage, the proposed layout would mean that the dwelling would be likely to overlook neighbouring dwellings at close quarters from first floor windows and in both directions. Thus, there would be a detrimental impact on living conditions for the present and future occupiers of those dwellings. As such the proposal would be in conflict with JDMPD Policy DM2 which seeks to protect residential amenity including impacts from overlooking amongst other things.

Other Matters

19. Although the proposal would result in an additional house in a sustainable location contributing to housing supply in a small way, the Council can demonstrate a 5 year supply of housing land. The policies of the development plan relevant to housing supply can therefore be considered up to date and the 'tilted balance' set out in the Framework at Paragraph 11d) is not engaged.
20. I accept that the Framework recognises the value of small sites for housing delivery at paragraph 69 and at section 11 emphasises the need for effective use of land. The supply of further housing would therefore be important even though in this case it is only one unit. However, for the reasons above, development of the site would have an adverse impact on the setting of the listed building and the living conditions of neighbouring occupants and would outweigh the minor benefit in providing a single house.
21. I have been invited to conclude that the development would perform well against the three sustainability objectives set out in the Framework. However, whilst it may have minor positive benefits in respect of the social objective by the provision of housing and a temporary beneficial impact on the economic objective as a result of construction, it would fail to meet the environmental objective. Development which would have an adverse impact on the setting of the listed building and on neighbouring occupants' living conditions cannot be considered environmentally sustainable.

Conclusion

22. Notwithstanding the slight benefit the development would bring in adding to housing supply, this proposal conflicts with both the Framework and Development Plan policies. For the reasons above the appeal is dismissed.

P. D. Biggers

INSPECTOR