



Appeal Decision

Site visit made on 22 August 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/Y2620/W/22/3308197

St James Cottage, 18 Bridewell Street, Walsingham NR22 6BJ

- 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 Vincent Fitzpatrick against the decision of North Norfolk District Council.
 - The application Ref PF/21/3302, dated 9 December 2021, was refused by notice dated 6 April 2022.
 - The development proposed is described on the planning application form as 'Self Build Project for a two storey, two bedroom domestic dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a revised plan with the appeal¹, which includes a greater retention of the rear boundary wall than was proposed at the time the Council refused planning permission. In considering the acceptability of this revised plan, I have had regard to the Wheatcroft² principles.
3. The appellant asserts that the revised proposals result in a 'scaling back' of the proposal. Nonetheless, even if I were to agree, those who were consulted on the original planning application (including objectors) might not. As such, to accept these fundamental amendments would prejudice their ability to make representations on an aspect of the scheme which is very directly related to the reasons for refusal. Therefore, I have not accepted the amended plan. Conversely, the revised Arboricultural Impact Assessment does not prejudice interested parties as it does not materially alter the development proposed. I have therefore taken it into account in considering this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the Walsingham Conservation Area (CA) and whether it would preserve the setting of nearby heritage assets, including the Grade II Listed Building at 18 Bridewell Street.

Reasons

5. Under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving the listed buildings, their settings and any features of

¹ Ref: A2/20/C

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

special architectural or historic interest. Under section 72 (1) of the same Act, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.

Walsingham Conservation Area

6. The appeal site is located wholly within the Walsingham CA. The CA primarily derives its significance from the proliferation of historic buildings many of which are listed. The layout and orientation of historic buildings within the CA typically comprises of intimate and compact relationships and whilst there are some more modern buildings in the CA, overall there is very little disruption to its prevailing historic character.
7. The appeal site currently makes a positive contribution to the character of the CA. This is because it comprises the rear garden of a Grade II listed building and includes a flint and stone wall to the rear boundary. Indeed, the use of flint and stone is highly prevalent within the CA.
8. There is a more modern building directly opposite the flint and stone wall, this building does not contribute positively to the significance of the CA. However, this only increases the importance of the wall as a feature which connects and maintains the historic built form to the rear of St James Cottage, within Chapel Yard.
9. The proposal involves the erection of a dwelling within the rear garden of St James Cottage. The dwelling would be served by a new access from Chapel Yard. This would require the partial demolition of the existing wall. The proposals also show that another section of wall (as well as the existing rear gate) would be replaced with a brick wall.
10. The loss of a large section of the existing wall would detract significantly from the valuable role which it plays in connecting and maintaining the historic character of the surrounding buildings. The use of brick and the insertion of a larger gate than currently exists would result in a complicated more modern appearance which would be harmful, particularly when viewed from Chapel Yard. The visual harm caused by the proposal in this regard would also be visible in glimpsed views from Bridewell Street.
11. I noted during my site visit that the wall has been repaired, in some cases with more modern building materials. The repairs do not detract significantly from its value though, given that they are relatively minor and only noticeable upon closer inspection.
12. The site currently comprises of various trees, which when viewed within the garden have the feel of a small orchard. Some of the trees would be removed to facilitate the development. These trees provide a verdant character which is relatively unique to the CA. However, whilst attractive, given that this verdant character does not form a key component of the CA's significance, their loss would not be harmful in heritage terms.
13. Given that the parking area would be largely obscured from public and private views by proposed boundary treatments, there would be no additional harm as a result parked vehicles on the appeal site.
14. The submitted plans indicate that on the western boundary of the appeal site, fencing would be re-instated, with steel estate fencing incorporating hedge

planting proposed. However, these changes would be so minor that they would only have a neutral effect on the significance of the CA.

15. Overall, for the reasons given, the proposed development would fail to preserve the character of the CA. It would therefore conflict with Core Strategy³ Policies EN8 and EN4, which seek to ensure that proposals preserve the character of CAs and have regard to local context, respectively. The harm resulting from the proposal would be 'less than substantial' within the meaning of Framework Paragraph 202.

Listed Buildings

16. The appeal site comprises the rear garden of St James Cottage which is a Grade II listed building (the address identified on the Listing Entry is 18-20 Todds Yard). The building is either 17th or 18th century and primarily derives its significance from its well retained external architecture, with distinctive features including the planted roof with hipped end, widely spaced windows and general attractive appearance.
17. St James Cottage includes a much longer rear garden than neighbouring dwellings. The length of the garden does little to contribute to the building's significance. The shortening of the garden would not therefore result in any harm to the setting of the listed building. Whilst I have found that alterations to the rear brick and flint wall would be harmful to the CA, this harm would not extend to the significance of the listed building given the visual and physical separation between the wall and the listed building.
18. For these reasons, there would not be any harm to the significance of the listed building as a result of the proposed development.
19. There are various other listed buildings within the immediately surrounding area⁴. The vast majority of these similarly derive their significance from their well retained historic appearance and their prevailing 18th Century Architecture. For the same reasons as already given in relation to '18-20 Todds Yard', I do not consider that there would be any harm to the significance of these listed buildings. Although, I do not consider that the proposed development would result in anything more positive than a neutral effect on the setting of surrounding listed buildings.
20. The proposed development would therefore comply with Core Strategy Policy EN8 insofar as it seeks to ensure that development preserves the setting of listed buildings.
21. I note the representations from an Interested Party with regard to the building directly to the rear of the brick and flint wall and the alleged absence of sufficient consideration by the main parties in relation to this. However, given the absence of precise listing details and the fact that I am dismissing this appeal on other grounds (harm to the Conservation Area), I have not considered this matter further.

³ North Norfolk Local Development Framework – Core Strategy (September 2008)

⁴ '12-16 Bridewell Street' (Grade II), 'No 7 and Adjoining Barn' (Grade II), '10 Bridewell Street' (Grade II), 'Nos 2-6 (even) Gates and Gate to Piers to West)' (Grade II)

Other Matters

Ecology and Biodiversity

22. The Council's reasons for refusal refer to a net loss in biodiversity. However, the evidence indicates that the primary concern is the loss of various trees and the associated impact this would have in terms of character and appearance as opposed to the impact on biodiversity more specifically. Indeed, there is no substantive evidence to demonstrate that the proposal would conflict with Core Strategy Policy EN9 in these terms.
23. The Council's Statement of Case asserts that since the application was determined the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) has been formally agreed and adopted by the Norfolk Planning Authorities and Natural England. It also asserts that the appeal site is within the Zone of Influence of various European Sites. Indeed, the evidence suggests that the proposal would (in-combination with other residential development) lead to likely significant effects on the integrity of these European Sites as a result of increased recreational pressure. I note the appellant's submissions on this subject, however given that I am dismissing this appeal on other grounds it is not necessary for me to consider this matter further, nor undertake an Appropriate Assessment. The same applies to representations made by the Council in respect of the Appellant's Preliminary Ecological Appraisal.

Planning Balance

24. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal. The proposed development would include social and economic benefits associated with the increase in housing stock and the 'effective use of land'. There would also be a small increase in support for local services and facilities further afield as a result of an increased population, as well as further temporary benefits through support for construction jobs.
25. However, given the relatively small scale of the development, these public benefits can only be attributed moderate weight. Even if a net gain in biodiversity can be secured, these again would be benefits of limited weight given their limited scale and scope. Conversely, the less than substantial harm to the heritage asset should be afforded great weight, in line with the provisions of Framework Paragraph 199. As a result, the modest public benefits of the proposed development would not outweigh the less than substantial harm.

Conclusion

26. The proposed development would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to warrant a decision other than in accordance with the development plan.
27. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR