



Appeal Decision

Site visit made on 15 August 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/F3545/D/23/3320762

95 London Road, Brandon, Suffolk IP27 0EL

- 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 Miss Elissia Egan against the decision of West Suffolk Council.
- The application Ref DC/22/0408/HH, dated 5 March 2022, was refused by notice dated 21 February 2023.
- The development proposed is a dropped kerb and off-street parking in the front garden.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application form included an extensive description of development which has been summarised in the Council's decision notice and reflected on the appeal forms. I have used this description in this decision.
3. The appellant and Council refer to the development as a dropped kerb. Nevertheless, I consider this to be more accurately described as the formation of a vehicular access given that the dropped kerb in question forms part of the public highway and is outside the application site.

Main Issue

4. The effect of the proposal on the row of terraced houses at 91-95 London Road and character or appearance of the Brandon Conservation Area (CA) having particular regard to the treatment of the front boundary and garden.

Reasons

5. Numbers 91 to 95 London Road comprise a terrace of three dwellings that are constructed of yellow Flemish bonded bricks under a slate roof. The row of properties are divided such that the centre terrace, number 93, has the widest frontage of the trio. Read as a whole, I consider these make a small, but positive contribution to the character and appearance of the CA.
6. All front gardens are presently laid to lawn with some ornamental planting and hedging. The side boundary walls to 91 and 95 London Road feature a mix of brick and flint construction with a small front element of this type of construction on the front boundary at number 95. The remainder of the frontage to the row of terraces does not feature this; comprising a mix of railings, concrete blockwork and hedging. In the instance of number 95, the front boundary is almost entirely open to the street.

7. The Brandon CA is linear in its form, broadly following the line of London Road and onto the High Street to the north. Buildings in the vicinity of the appeal site are of a mixed construction and function. However the majority are residential and many are constructed in the distinctive, brick and flint vernacular. The same cannot be said for front boundary treatments; with those that remain intact being varied, ranging from concrete blockwork to railings or fences. There are few remaining examples of brick and flint front boundary walling.
8. Evidence provided by the appellant, in the form of historical mapping, suggests that original walling to 91 to 95 London Road was removed by the early 20th century. I do not find this evidence to be wholly conclusive as there is no detail on exactly what this wall may have comprised. Furthermore, there may be inconsistencies between the detail shown for 91 to 95 London Road compared to other neighbouring premises where brick and flint front boundary walls are still in situ. Regardless of this, it is apparent that, with the exception of the small front section of brick and flint walling at number 95, this style of boundary feature has been almost entirely lost along this part of the CA. The same applies to many other properties, with only a very small selection featuring the traditional brick and flint construction to the front boundary.
9. I appreciate the Council's desired intent to encourage the re-instatement of brick and flint boundary treatment and mindfulness of paragraph 206 of the National Planning Policy Framework (the Framework). This encourages seeking opportunities for new development within Conservation Areas to enhance or better reveal their significance. However, this is not within the remit of the proposal. I am unable to support an objection on the potential for reinstatement. Considering prevailing front boundary treatments in the locality, and in light of the appellants comments regarding damage from vehicle crashes, this seems to have a limited chance to occur. A small element of brick and flint wall would be retained on the front boundary, however as this is an existing feature, it is a neutral consideration.
10. I have had regard to the appellant's comments relating to road safety. Negligible evidence has been provided to me that suggests that a vehicular access directly to the property would be any more, or less, safe than the present arrangement. I further note the provision of a vehicular access would effectively preclude any re-instatement of any front boundary treatment. I cannot find the lack of front boundary treatment, of itself, to be a cause for objection. However, the chances of any front boundary being re-instated, as per the Council's preference is considerably lessened were a vehicular access to be allowed.
11. The proposal would, however, introduce an area of hardstanding to the front of number 95. This hardstanding would usurp the pleasant green frontage which remains intact to the front of all three of the terraces. The appellant's plans indicate parking would be confined to the side of the house. There is no reasonable way to ensure the area to the front of the principal elevation could be kept clear of vehicle parking. The hardstanding, with vehicles parked upon it, would introduce an unwelcome urbanising addition with visual clutter to the detriment of the of 91 to 95 London Road. This would fail to preserve or enhance the character or appearance of the Brandon CA.

12. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In making this assessment I have also had regard to paragraphs 201 and 203 of the Framework. I conclude that the introduction of hardstanding and visual clutter from parked vehicles would cause less than substantial harm to the character or appearance of the Brandon CA as the property is only a single house within the wider CA.
13. The Framework advises, at Paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 201 of the Framework, the harm to the CA is nevertheless a matter of considerable importance in this case.
14. Paragraph 202 of the Framework also requires that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The provision of off-street parking and availability of an electric charging point is not a benefit of sufficient merit to outweigh the harm to the heritage asset.
15. I conclude that the development would be harmful to the character and appearance of the area through the provision of hardstanding and parking of vehicles forward of the principal elevation. Conditions could not mitigate or lessen this harm. The development would therefore fail to preserve or enhance the character or appearance of the Brandon CA and would not comply with policies DM2 and DM17 of the West Suffolk Joint Development Management Policies Document (2015) and the Framework.

Conclusion

16. For the reasons given above I conclude that the development would fail to preserve or enhance the character or appearance of the CA. It would, therefore, conflict with the provisions of the development plan, read as a whole. I have not found any considerations to outweigh this conflict. For these reasons, the appeal should be dismissed.

Nick Bowden

INSPECTOR