



Appeal Decisions

Site visit made on 20 September 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal A: APP/X3540/W/22/3298516

Brampton Hall, London Road, Brampton NR34 8DS

- 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 John Edward Tribe against the decision of East Suffolk Council.
- The application Ref DC/21/5206/FUL, dated 17 November 2021, was refused by notice dated 21 February 2022.
- The development proposed is construction of orangery to replace conservatory to side.

Appeal B: APP/X3540/Y/22/3298523

Brampton Hall, London Road, Brampton NR34 8DS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr John Edward Tribe against the decision of East Suffolk Council.
- The application Ref DC/21/5032/LBC, dated 4 November 2021, was refused by notice dated 21 February 2022.
- The works proposed are construction of orangery to replace conservatory to side.

Decisions

Appeal A

1. The appeal is dismissed insofar as it relates to construction of orangery to replace conservatory to side. The appeal is allowed insofar as it relates to replacement of side ground floor window and planning permission is granted for replacement of side ground floor window at Brampton Hall, London Road, Brampton NR34 8DS in accordance with the terms of the application Ref DC/21/5206/FUL, dated 17 November 2021, subject to the attached schedule of conditions.

Appeal B

2. The appeal is dismissed insofar as it relates to construction of orangery to replace conservatory to side. The appeal is allowed insofar as it relates to replacement of side ground floor window and listed building consent is granted for replacement of side ground floor window at Brampton Hall, London Road, Brampton NR34 8DS in accordance with the terms of the application Ref DC/21/5032/LBC, dated 4 November 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

3. The Appeal Forms describe the proposal as 'Construction of orangery to replace conservatory to side and replacement of side ground floor window', which more

accurately reflects what was proposed. I have therefore dealt with the appeals on this basis.

4. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.

Main Issue

5. The Decision Notices only refer to concerns raised regarding the proposed orangery and do not refer to the replacement of a side ground floor window. The main issue is therefore whether the proposed orangery would preserve a Grade II listed building, 'Brampton Hall', and any features of special interest that it possesses.

Reasons

Special Interest and Significance

6. The appeals concern 'Brampton Hall', a Grade II listed¹ house that was, at one time, the rectory to the nearby Church of St Peter. It likely originates from the late 18th Century. The main range is of 5-bays and three-storeys. Its front façade is its most grand, with identical proportioned vertical sash windows at ground and first floor and smaller sashes above arranged symmetrically around a central door with a Roman Doric portico and an elaborate overhanging eaves and cornice detail. To its northern side is a two-storey rear wing, beyond which is an attached outbuilding arranged parallel with the Hall. The evidence before me appears to indicate the floorplan of the house is largely intact, but a bay window has been added in place of a vertical sliding sash window at ground floor in the northeast flank wall of the Hall.
7. While the rear wing and outbuilding beyond it are more functional parts of the building, distinguishable from the formal living and entertaining spaces within the Hall, they are important parts of the listed building. They are constructed of Flemish bond, like the Hall, and incorporate its wooden modillion eaves detail. However, they are more simplistic in their form and detailing and lower in scale. This reinforces the hierarchical approach away from the grand scale and architectural embellishment of the Hall.
8. There is an existing conservatory affixed to the northeast façade of the rear wing. It is of simple modern domestic construction with a timber frame above a brick base, laid in stretcher bond. This is far removed from the architecture of the rear wing and outbuilding, but is relatively small in scale, understated and only projects slightly past the Hall's northeast flank wall. Much of the façade around it is evident, albeit this includes some insensitive infill of openings with blockwork and widened windows at first floor.
9. As far as it is relevant to these appeals, the special interest of the Hall is found in its architectural and historic interest as a well-preserved 18th Century former rectory, with a lower rear wing and attached outbuilding, all constructed with similar detailing. Moreover, the hierarchical approach to the architecture and scale of the component parts of the building are important to its understanding and, thereby, significance.

¹ List Entry Number: 1182877.

Effect of the Proposal

10. The proposed orangery would be constructed of a painted hardwood timber frame including windows and a cornice detail like the Hall. This would be beneath a flat roof with a roof lantern and above a brick plinth laid in Flemish bond. It would be of much higher quality of design and construction than the existing conservatory but would have the same issue as the conservatory. Moreover, its fenestration and cornice detailing would contrast with the simple form and appearance of the functional rear wing and outbuilding. These would align more closely with the architecture of the Hall but be somewhat isolated from it. Hence, they would disrupt the architectural hierarchy of the building.
11. The Hall would continue to dominate its surroundings and the orangery would be set against the backdrop of the outbuilding, visible behind the Hall, which would reduce its perceived scale from distance. Despite this, the orangery would be disproportionately larger than the ground floor rooms in the Hall and the kitchen in the rear wing. It would also be of greater depth than the latter and obscure a large part of its northeast façade. Hence, the orangery would exacerbate the awkward bolt-on effect already experienced with the existing conservatory and disrupt the hierarchy of the scale of the component parts of the listed building.

Public Benefits and Conclusions on the Main Issue

12. The statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the Framework.
13. The proposal would be harmful to the special architectural and historic interest of the Grade II listed building, which would harm its significance as a designated heritage asset. This would equate to less than substantial harm to the asset. In such circumstances, paragraph 202 of the Framework identifies this harm should be weighed against the public benefits of proposals.
14. The existing conservatory needs repair, and its design is undoubtedly not akin to the form and appearance of either the Hall or its rear wing and outbuilding. In isolation, its removal would therefore improve the appearance of the listed building. I note the Council do not object to its demolition. However, for the above reasons, its replacement with the proposed orangery would harm the listed building. I therefore afford this heritage benefit limited weight.
15. The proposal would improve the internal living environment of the property to the benefit of the appellant's health and wellbeing. This would largely amount to a private benefit and there is no substantive evidence before me to demonstrate it is required to sustain the heritage asset. Hence, I afford these benefits limited weight.
16. In *Other Matters* I find the replacement of the ground floor side window would be a heritage benefit but, given the extent of the alterations required, I only afford this benefit limited weight.
17. Later infill of openings in the rear wing would be masked by the internal wall covering of the orangery. However, it is likely these could be addressed in other ways, without the harm that would be caused by the proposal to the building. I therefore afford this heritage benefit very limited weight.

18. The appellant has also referred to the intention to improve the simple modern casement windows in the rear wing, but no details are before me in either the applications or appeals as to how this would be achieved. I am therefore not able to afford this concept any weight as a benefit of the appeal scheme.
19. Taking the above stated benefits together they would not justify allowing a proposal that would fail to preserve the special interest of the listed building. In accordance with paragraphs 199 and 202 of the Framework, considered together, I am therefore not persuaded there would be wider public benefits of sufficient magnitude to outweigh the great weight to the asset's conservation and considerable importance and weight to the less than substantial harm identified to the special interest of the asset.
20. For the above reasons, I conclude that the proposed orangery would fail to preserve the Grade II listed building. Hence, it would not satisfy the duties of the Act, and would conflict with the design and heritage aims of Framework paragraphs 197 and 199; Policies WLP8.29 and WLP8.37 of the Council's Local Plan² and its Historic Environment Supplementary Planning Document³.

Other Matters

21. The proposal also includes replacement of the modern ground floor bay window to the northeast flank wall of the Hall. The existing window unbalances the verticality of the window arrangement to this part of the Hall. The application drawings appear show framing and internal panelling that would be more reflective of detailing found on other windows of the property. The proposed arrangements would therefore represent a sensitive change to the Hall that would enhance its special interest, as required by the Act. As such, it would not harm its significance and would accord with the above policies. Section 22(1) of the Act enables a split decision in respect of listed building consent appeals and, these works are clearly both physically and functionally separate, so I can issue a split decision for this proposal in both appeals.
22. The appeal property is near to the Church of St Peter, to which I was a rectory. It is designated as a Grade I listed building. Hence, I have had regard to the statutory duty referred to in the Act. Given the proximity and physical relationship of the proposals with this designated asset, its setting would be preserved, and the proposals would not detract from it. However, this does not alter my conclusions in respect of the main issue.
23. The Council did not raise concerns about the living conditions of neighbouring occupiers and there is nothing before me which would lead me to a different conclusion. Nevertheless, the absence of harm in respect of this matter would neither weigh in favour nor against the appeal scheme.

Planning Balance

24. The development plan for the area includes the Council's Local Plan. While this predates the current Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to its policies according to their consistency with the Framework.

² East Suffolk Council Waveney Local Plan (Adopted 20 March 2019).

³ Adopted June 2021.

25. Policy WLP8.29 generally aligns with the overall principles of achieving well designed places advocated by the Framework. The supporting text to Policy WLP8.37 also clarifies it is not intended to replicate the Framework, which the Council relies upon it. This does not undermine the status of the policy, so I afford significant weight to the proposed orangery's conflict with these policies.
26. I have already identified the benefits of the appeal scheme through assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage asset. In terms of harm, the proposed orangery would fail to preserve the special interest of the Grade II listed building and conflict with the relevant policies of the development plan referred to above.
27. This leads me to an overall conclusion that the proposed orangery would not accord with the development plan, when considered as a whole, and the adverse impacts of this aspect of the appeal scheme are matters of great weight against its approval that outweigh the stated benefits.

Conditions

28. Despite my findings in relation to the orangery, the split decision in favour of the replacement side window requires conditions be imposed. In addition to the standard time limits for both appeals, in the interests of clarity I have specified the approved plans in Appeal A. This is unnecessary in the listed building consent appeal, as the decision incorporates the plans. Furthermore, in the interests of preserving the special interest of the listed building, conditions for the specifications and samples of materials are necessary, including for the proposed window, and surrounding external brickwork and internal panelling.

Conclusion

29. For the reasons given above, I conclude that the appeals should be allowed in so far as they relate to the replacement side ground floor window. The appeals are dismissed in so far as they relate to the proposed orangery.

Paul Thompson

INSPECTOR

SCHEDULES OF CONDITIONS

Appeal A: APP/X3540/W/22/3298516

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 6892/P02B.
- 3) Specifications and samples of the materials to be used in the construction of the external surfaces of the development hereby granted, including 1:20 scaled drawings of the proposed replacement window and surrounding brickwork, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The development shall thereafter be carried out in accordance with the approved specifications/samples.

Appeal B: APP/X3540/Y/22/3298523

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Specifications and samples of the materials to be used in the construction of the internal and external surfaces of the works hereby granted, including 1:20 scaled drawings of the proposed replacement window and surrounding brickwork and internal panelling, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.

END OF SCHEDULES