



Appeal Decision

Site visit made on 17 January 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/D3505/D/23/3322272

24 Friars Street, Sudbury, Suffolk CO10 2AA

- 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 K Smedemark against the decision of Babergh District Council.
 - The application (Ref: DC/23/00695), dated 10 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is conversion of and extension to garage to form studio as additional living accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of and extension to garage to form studio as additional living accommodation at 24 Friars Street, Sudbury, CO10 2AA in accordance with the terms of the application, Ref DC/23/00695, dated 10 February 2023, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. Since the determination of this application, the Council, on 21 November 2023, adopted the Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) (the JLP). The Council has advised that the JLP supersedes the references to policies in the Babergh Local Plan Alteration No 2 (2006). It has also confirmed that the most relevant policies in the JLP are Policies SP03, SP09, LP03, LP16, LP19, LP23, LP24 and LP29. I have advised the appellants of the adoption of the JLP and the policies which the Council regards as relevant, and they have had the opportunity to make comment on the new policies.
3. Also, after this application was determined, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of "24, Friars Street" (the LB), a Grade II listed building, and the extent to which it would preserve or enhance the character or appearance of the Sudbury Conservation Area.

Reasons

6. The Sudbury Conservation Area (CA) covers an area encompassing the historic core of the town, including Friar Street, within which the appeal site lies. Its significance is derived from the grouping of buildings of pleasing appearance, in various architectural styles relevant to their period of construction, the historic development of the settlement around the historic market square and the association of the town with the artist Gainsborough. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its aesthetic value.
7. The host dwelling, 24 Friars Street, was listed in 1971 (Ref: 1037507) and dates from the early 19th century. Its front façade contains examples of architectural detailing typical of its period of construction and, together with the group of 26-28 and 32 to 68 Friars Street, the front façade of the LB makes a positive contribution to the architectural value of the area. Originally used as a dwelling, the LB was used as offices but converted, in the 1980s, back into residential use. At that time a substantial full-width two-storey extension was added to the rear. A garage, the subject of this appeal, was also constructed. Thus, the main features of special interest of the LB lie in its front half and that this directly contributes to its special interest for the reasons given.
8. Given the above, I find the setting of the building, insofar as it relates to this appeal, to be primarily associated with its immediate context and the way in the LB is experienced. I find that this directly contributes to its special interest.
9. The site includes a modern brick-built garage with a flat roof, situated behind and to the side of the host dwelling. The proposed development would extend this garage in length and height. The extension would be behind the existing garage form. A lantern would be added to the roof of the outbuilding.
10. The garage is a later addition to the setting of the LB, having been added at the same time as the extension to the rear of the dwelling. Currently the garage is in a dilapidated state. It is of a basic, block-like form and its flat roof and openings do not reflect the detailing of the historic elements of the building. As such the garage, in its current form, makes a negative contribution to the setting of the LB.
11. Whilst enlarging the outbuilding, its resultant scale would not be so out of keeping with that of the main dwelling that it would lose subservience to it. The proposed detailing and changes to the openings would be more in keeping with the period detailing of the LB. Further they would not be incongruous with the more modern elements incorporated within its rear extension.
12. Taken overall, and given the negative contribution that I have found that the existing form of the garage makes to the setting of the LB, I find that the proposed development would make a neutral contribution to the setting and thus preserve the LB and its significance.

13. The garage is set back from the street behind a pair of gates set in brick pillars. Currently there is limited visibility of the garage over the top of the gate, but, due to the increase in height of the building as proposed, this visibility would be increased, and the top of the building and its lantern would be visible from the footways on both sides of the street. Visibility of the building is further limited by the buildings to either side and views from nearby properties are restricted by existing built form and planting. Thus, the building is not prominent in street views or from nearby properties.
14. I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would have limited visibility and prominence from the public or private domains. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced. Under such circumstances case law¹ has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and would thus preserve its significance.
15. Given the above I conclude that, on balance, the proposal would preserve the setting of 24 Friars Street, a Grade II listed building, and the character and appearance of the Sudbury Conservation Area. This would satisfy the requirements of the Act, paragraph 206 of the Framework and would not conflict with policies LP03, LP19, LP24 of the JLP that seek, among other things, to ensure that development is of a high standard of design which maintains or enhances the character and appearance of the buildings, street scene and surroundings, and safeguards historic designated heritage assets and is compatible with its location. As a result the proposal would be in accordance with the development plan.

Conditions

16. I have considered the conditions suggested by the Council as set out in their evidence in light of the advice contained within the National Planning Practice Guidance and the Framework. Where necessary I have amended some of the conditions for clarity.
17. I have included the standard condition which limits the lifespan of the planning permission as this prevents the accumulation of unimplemented permissions.
18. I have added a condition requiring that the external materials to be used in the construction works match those of the existing building as these will provide continuity of appearance with the host dwelling.
19. To provide certainty of what will be delivered I have added a condition requiring it to be built in accordance with the approved plans.
20. I have added further conditions requiring the provision, for approval by the Council, of certain construction and materials details to ensure that the proposal preserves the character and integrity of the host LB and the CA.
21. These conditions correspond to conditions requested by the Local Planning Authority.

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

Conclusion

22. For the above reasons and having regard to all other matters raised I conclude that the appeal should succeed and planning permission be granted.

I A Dyer

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the approved plans.
4. No development/works shall be commenced above slab level until large scale drawings and/or detailed descriptions of brickwork, including brick bond and arched heads to be used, shall be submitted to, and approved in writing by, the Local Planning Authority and shall be implemented and completed entirely as approved.
5. No development/works shall be commenced above slab level until detailed large scale section drawings of the eaves, verges and/or parapet detail of the building shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed entirely as approved.
6. No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the rainwater goods to be used have been submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed entirely as approved.
7. Prior to the commencement of any works to alter or install fenestration of the hereby approved development, detailed large appropriately scaled elevation and section drawings, and/or manufacturer's literature, which shall include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, doors and roof lantern, and their surrounds to be installed, shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

END OF CONDITIONS