



Appeal Decision

Site visit made on 10 January 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/W3520/W/23/3322524

3 All Saints Road, Creeting St Mary, Suffolk IP6 8NF

- 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 Alistair Smith against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/04981, dated 5 October 2022, was refused by notice dated 23 January 2023.
 - The development proposed is the erection of single-storey dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal relates to the setting of a listed building, therefore I have had special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the application was determined, the Council has adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP) on 20 November 2023. Consequently, the policies cited in the Council's decision have ceased to have effect and have been replaced by policies within the JLP. The Council has noted the most relevant policies in the JLP in respect of this appeal include Policies SP09, LP19, and LP24. As these policies now form part of the adopted development plan and the appellant has had opportunity to consider them, I have had regard to them in reaching my decision.
4. Whilst the Council has referred to Policy SP09 as being of relevance to the appeal, I note this policy relates to the enhancement and management of the environment and refers to protected habitats and biodiversity. As no concerns have been raised in relation to these matters, I do not consider this policy is directly relevant to the main issues of this appeal.
5. A revised National Planning Policy Framework (the Framework) was published 19 December 2023 and updated 20 December 2023 and is therefore a material consideration. Whilst the relevant sections of the new Framework have not changed in respect of the main issues of concern in this appeal, the paragraph numbering has changed. Accordingly, I have referred to the updated Framework paragraph numbering.

Main Issues

6. The main issues are the effect of the proposed development on:

- the significance of 3 All Saints Road, a grade II Listed building, with regard to its setting;
- the character and appearance of the surrounding area, including whether the proposal would result in the overdevelopment of the site; and,
- the living conditions of the occupiers of 3 All Saints Road (No 3), in particular with reference to noise, light pollution and general disturbance, due to the proximity of the access of the new dwelling to No 3 and, also the effect on the living conditions of the occupiers of 1A All Saints Road (No 1A), with particular reference to outlook and loss of light to its ground floor windows.

Reasons

Setting of listed building

7. The proposed development would be within part of the garden area of No 3, which is a Grade II Listed building. The area of land where the proposed dwelling and garage are to be sited is currently predominately an open lawn area to the side of No 3. Also, there are some single storey outbuildings toward the rear boundary of the land.
8. The listed building is a house dated as 1767 but is a late typical example of a house type found in central Suffolk from mid-C16 onwards. The building is one storey with attics, it is a timber-framed and roughcast building, with thatched roof. It has a 2-cell end chimney plan, with an original internal end chimney of red brick to the right and another C19/20 to the left. It has gabled and eyebrow thatched dormers with small-pane casements. C20 metal casements and glazed entrance door, with open lean-to plain tiled porch on posts. It also has C19/20 pan-tiled, lean-to extensions to the right and left ends.
9. The building has a local historical significance and is an attractive, well maintained example of a Suffolk thatched cottage. The dwelling sits in a slightly raised position compared to the road level, with an open front boundary, making it prominent from the street scene. It sits within a spacious open plot, with extensive lawned areas surrounding the building on three sides and open agricultural fields beyond its rear boundary. Whilst the setting of the listed building has evolved over time, previously within a farm holding, then allotments surrounding it, currently the building maintains a spacious open setting with direct visual and historical links to the rural area. This spacious open setting of the building, together with the local historical and architectural merits of the building contributes to the significance of the listed building.
10. It is proposed that the new dwelling would appear as a converted outbuilding. However, whilst the proposed dwelling would be single-storey and of a simple design, constructed of hand-made bricks, with stained horizontal boarding and natural slate roof tiles, it would have a ground floor area much greater than that of the Listed building. Also, it would have its own separate detached garage with store. The existing outbuildings in the grounds of the Listed building, are of a much smaller scale and height, than the proposed dwelling.

Therefore, the proposed development would not appear as subordinate outbuildings to the Listed building.

11. The proposed dwelling would be set closer to 1A All Saints Road than No 3 and, would be set back further into the plot than No 3. However, due to its scale and siting within the spacious, open side lawned area of No 3, it would appear as a significant, dominant building within the grounds of the Listed building. The position of the proposed dwelling would furthermore obstruct the existing views through to open countryside at the rear of the plot, thereby reducing the relationship of the Listed building to the surrounding countryside. The proposal would also create a more intensive cramped feel to the setting of the Listed building, due to the introduction of a large building to its side and the associated parking and use of the land, which currently has a relaxed, open, and spacious feel.
12. The two large new dwellings to the east of No 3, located within land that previously formed part of its garden, are located further away from the Listed building than the proposed dwelling would be. These new dwellings are more closely related to other properties along All Saints Road, behind which they are sited, rather than No 3. Also, these two dwellings do not interrupt views of the open fields beyond No 3, due to their position and separation from No 3. Therefore, these two existing dwellings have a different relationship than the proposed dwelling would have to No 3.
13. The Listed building does not have any first floor rear windows and limited habitable ground floor room windows facing out to the rear and open countryside. However, this does not mean that the setting and significance of the listed building would be unharmed by the proposed development. It is not the outlook from the Listed building that adds to the significance, rather it is the spacious and open aspects that lie around the building that contribute to its significance.
14. Therefore, due to the scale, siting, and position of the proposed dwelling and garage, I find the proposal would cause harm to the open and rural setting of the Listed building and so would harm its significance. The proposed development therefore fails to accord with Paragraph 203 of the Framework and conflicts with Policy LP19 of the JLP, which requires, amongst other matters, that designated heritage assets and the significance of their setting be preserved.

Character and appearance

15. The plot sizes of dwellings vary within the village. The proposed dwelling would have a comparable plot size to other dwellings in the surrounding area, including that of the two storey dwellings at 1A (Hillcrest) and 1 (The Knoll) All Saints Road, located to one side of the appeal site. The proposed dwelling would also have an acceptable level of private garden space and parking provision.
16. The appeal site, No 3, has a wide frontage comparable with that found at other large detached, older, more significant dwellings within the village. Whilst the immediate more modern detached dwellings to one side (Nos 1 and 1A) have plots widths and areas comparable to that of the proposed dwelling, these do not influence the spacious feel of the appeal site, particularly as they are

dwelling of a quite different modern form and character to that of No 3 and the proposal.

17. However, the combined footprint of the proposed dwelling and garage would be large, resulting in a plot to footprint ratio inconsistent to that found within the surrounding area. Also, whilst the proposed dwelling and garage would be single storey, due to their combined large footprint and position, the proposed development would appear unduly squeezed-in close to No 1A. This would unbalance the plot, and the proposal would appear as a cramped and contrived form of development to one side of the plot/No 3, discordant with the distinctive spacious open character of this part of the street scene. As such, this would give a visual perception of the site being overdeveloped.
18. No 2 All Saints Road, which lies on the opposite side of the road, close to the appeal site is a modern detached bungalow with a smaller plot size than the proposed dwelling. However, this bungalow has a wider plot width than the appeal proposal, and furthermore it has a substantial hedgerow along part of its site frontage. This is not, therefore comparable to the appeal site and its context.
19. In view of the above, the proposed development would have a harmful effect on the character and appearance of the surrounding area, in conflict with Policy LP24 of the JLP, which amongst other things, requires all new development to respond and safeguard the existing character/context and be compatible with its location.

Living conditions

20. The driveway access proposed for the new dwelling would utilise and extend the existing access driveway of No 3. The vehicular access to No 3 would consequently then be served separately from the existing driveway leading to the new dwellings to the opposite side of No 3.
21. The new dwelling's proposed driveway rises-up from the road level, is at an angle, rather than perpendicular to the road and is close to the side elevation of No 3 at certain points. Whilst there are no windows in the side elevation of No 3, there are windows at ground floor in the front elevation that would be very close to the driveway. Also, due to the angle of the driveway to No 3 and the rising ground level of the drive from the road, it is likely that vehicle headlights could shine into the ground floor front windows of No 3. This arrangement and proximity could potentially cause undue light intrusion directly into the windows of No 3 and, cause noise and general disturbance to the occupiers of the property from traffic movement associated with the proposed dwelling.
22. Whilst there would be a similar relationship of the proximity of the driveway to No 3 to that which already exists. The existing driveway currently only serves the occupiers and visitors of No 3, whereas the proposal would result in vehicles and visitors not associated with it, passing very close to its windows and garden space.
23. The existing access driveway leading to two new dwellings located on the opposite side of No 3 differs from the arrangement of the driveway for the proposed dwelling, as it angles away, rather than toward the front elevation and windows of No 3. Furthermore, there is a greater separation from the side

of No 3 to this driveway, than that of the proposed dwelling's driveway. Therefore, there would be greater potential of likely disturbance caused by use of the proposed access driveway, than that which occurs from the opposite side access driveway, despite this serving two rather than one neighbouring dwelling.

24. A previous permission for a dwelling ref. 4832/16 included an access driveway in similar proximity to No 3 to that proposed and which also continued to wrap around the rear of No 3. However, the proposed development would result in separate access driveways fairly close to both sides of No 3, thereby creating an island-like effect around the property. This would likely compound the harm caused by reason of noise and general disturbance caused to the living conditions of the occupiers of No 3.
25. The proposed dwelling would be located close to and parallel with the side elevation of No 1A, extending further than the whole depth of this neighbouring property. No 1A has a number of side openings that face toward the appeal site, and also windows that face to the front and rear of the side projections, which are situated close to the appeal site boundary. The proposed dwelling would be on a slightly higher ground level than No 1A and would be approximately 3.1 metres from the shared side boundary with No 1A. Along this boundary there is a low brick wall, which is below the height of the bottom of any of the ground floor side windows of No 1A.
26. Due to the proximity of the side wall of the proposed dwelling to No 1A, the length of the new dwelling and the extent of its relatively blank side wall, and the open boundary arrangement, the proposal would have an over-bearing impact, when viewed from the ground floor windows of No 1A. This would be particularly impactful on the outlook from the neighbouring property's windows, as the side windows of No 1A currently look out over the open lawned garden area of No 3.
27. I note that the side windows in No 1A appear to be secondary windows serving a living room and a kitchen and, the appellant has indicated that any boundary treatments could be restricted, so no tall structures obscure light to the side windows of No 1A. Therefore, whilst the side wall of the new dwelling would be close to the side windows of No 1A, due to the secondary nature of these side windows, and the single scale of the proposed dwelling and its juxtaposition with No 1A, there would unlikely be any significant loss of light to this neighbouring property. Consequently, there would be no undue harm caused to the living conditions of its occupiers in this regard.
28. In view of the above, whilst I have found the proposed dwelling would not cause undue loss of light to the side windows of No 1A, I have found the proposal would be harmful to the living conditions of the occupiers of No 1A by virtue of loss of outlook therefrom. I have also found the proposed development would be harmful to the living conditions of the occupiers of No 3, by reason of light pollution, noise, and general disturbance. I therefore find the proposal would conflict with Policy LP24 of the JLP, which, amongst other matters, requires new development to protect the amenity of occupiers of surrounding uses, by avoiding development that is overbearing and/or creates unacceptable levels of light pollution and noise.

Other Matters

29. As noted by the appellant, the Council has granted consent for new dwellings within the grounds of listed buildings elsewhere in the district. Although, I do not have any substantive information with regard to the listing details and significance of these listed buildings, or the reasons why consent was granted in most of these examples to allow full comparison with the proposal. However, from the information provided, I note that none of these examples are within the same village as the proposal, are not for a dwelling of the same design to that proposed and that, the site context of the examples differ from the appeal site. I have therefore had regard to the individual merits of the proposal in reaching my decision.

Heritage Balance

30. In terms of the Framework, I assess the harm to the significance of the Listed building with regard to its setting to be less than substantial. Paragraph 208 sets out that where a development would lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.
31. The proposed dwelling would provide economic benefits during construction. It would be a dwelling of a modest size, providing a property within the village that is at the lower end of the housing market. It would be either suitable for elderly people downsizing, due to single storey design, or provide an opportunity for young people joining the housing ladder, thereby providing social benefit. Additionally, the occupiers of the new dwelling would help to maintain a balanced community, sustaining local facilities and interest groups in the village, and help support the vitality and viability of shops and services in other villages nearby. I afford moderate weight to these economic and social public benefits.
32. The appeal site is within the settlement boundary of Creeting St Mary, which is a reasonably sized village, where new development may be acceptable. The village has some local facilities, including a primary school, church, and village hall. However, I do not have any substantive evidence to show that the needs of certain parts of the housing market are not being met already within the village or, that the existing local facilities are poorly supported or in decline. It is also not clear from the evidence why one single storey, two-bed dwelling would meet a particular housing need within the village, or why the local facilities and interest groups would not be maintained without the proposed modest sized dwelling. Therefore, I afford limited weight to these economic and social benefits.
33. The proposed dwelling would be located within walking distance of the primary school and village hall and, is within cycling distance of other facilities and services in Needham Market. Thereby, it would offer opportunities for more sustainable means of travel rather than its future occupiers having reliance on the private car. Also, the proposed dwelling would be built to energy efficient standards. These sustainable attributes are commendable in terms of the environmental objectives of sustainable development. However, they are not significant matters nor unusual for new residential developments within settlements. I therefore place moderate positive weight on these factors.
34. The proposal could be controlled by condition to provide the recommendations highlighted in the Preliminary Ecology Appraisal submitted with the original

application, which includes enhancement measures. However, I afford limited positive weight to this.

35. In accordance with the Framework, I place great weight on the harm that I have identified to the heritage asset. I find that the public benefits of the proposed scheme do not outweigh the less than substantial harm caused to the significance of the Listed building, 3 All Saints Road.

Conclusion

36. In view of the above, and that I also place weight on the harm to the character and appearance of the area and the living conditions of the occupiers of Nos 1A and 3, the proposed development would conflict with the development plan read as a whole. Other considerations, including the Framework, do not indicate that I should make a decision other than in accordance with it.
37. Accordingly, I conclude that the appeal should be dismissed.

C Billings
INSPECTOR