



Appeal Decision

Site visit made on 29 January 2024

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal A Ref: APP/W3520/W/23/3325798

Oak Cottage, 79 Langton Green, Eye, Suffolk IP23 7HL

- 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 Mr Jonathan and Stephen Lodge and Skrypec against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/05265, dated 18 October 2022, was refused by notice dated 12 May 2023.
 - The development proposed is demolition of detached garage and single storey elements of dwelling. Erection of single storey side and rear extensions with associated internal alterations and landscaping. Replacement windows and changes to fenestration. Creation of gravel turning and parking area alongside driveway at west of site. Erection of garden office building. Installation of garden shed. Relocation of oil tank. Replacement boundary fence to no 81 as 1.8m high close boarded to match existing. Replacement bargeboards and timberwork to existing dwelling gables for repair (like for like replacement).
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Appeal B Ref: APP/W3520/Y/23/3325799

Oak Cottage, 79 Langton Green, Eye, Suffolk IP23 7HL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mr Jonathan and Stephen Lodge and Skrypec against the decision of Mid Suffolk District Council.
 - The application Ref is DC/22/05266, dated 18 October 2022, was refused by notice dated 12 May 2023.
 - The works proposed are demolition of detached garage and single storey elements of dwelling. Erection of single storey side and rear extensions with associated internal alterations and landscaping. Replacement windows and changes to fenestration. Creation of gravel turning and parking area alongside driveway at west of site. Erection of garden office building. Installation of garden shed. Relocation of oil tank. Replacement boundary fence to no 81 as 1.8m high close boarded to match existing. Replacement bargeboards and timberwork to existing dwelling gables for repair (like for like replacement).
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. The Babergh and Mid Suffolk Joint Local Plan, Part 1 (2023) (JLP) was adopted in November 2023. The revised National Planning Policy Framework (the Framework) was published in December 2023, both after the Council's decisions. I am required to have regard to the development plan at the time of my determination and the revised Framework.
4. The JLP supersedes the Policies referred to in the Council's decision notices. I have not felt it necessary to consult the parties on the JLP or the Framework as the outcome of the appeals would have been the same irrespective of them. This is because the aims of the relevant Policies are not materially different. I am satisfied no party has been prejudiced by my approach.
5. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning except where indicated otherwise.

Main Issue

6. The main issue in both appeals is whether the proposed development/works would preserve the grade II listed Oak Cottage or its setting and any features of special architectural or historic interest that it possesses.

Reasons

Significance

7. The appeal property is a detached dwelling known as the grade II listed Oak Cottage (Oak Cottage). It was originally a pair of modest C18 houses which were altered in C20 to form one dwelling. It sits in a large plot as part of a group of similar buildings on Langton Green on the edge of the built-up area of Eye.
8. Oak Cottage is single storey with attics, timber-framed, rendered with a brick plinth. It has a pantiled, gabled roof with dormers and a central brick chimney stack and has a number of modern single storey additions. Insofar as is relevant to these appeals, I find the significance of the listed building derives from its traditional architectural detailing, its evolution from two to one dwelling, and the relationship between the building and the surrounding countryside.

Effect on significance

9. The dispute between the Council and the appellant relates to the demolition of the part modern single storey rear extension and the erection of a single storey side and rear extension to provide a kitchen and dining area, new entrance door and lobby (the proposed single storey extension). Given the extensive alterations to the appeal property and consistent with the Council's observations, I find all other elements of the proposal would not harm Oak Cottage and would preserve its setting, significance and features of special architectural and historic interest.
10. However, the proposed single storey extension would be significantly wider and deeper than the existing modern single storey rear extension it would replace. It would have a steeply pitched roof with a south facing gable end combined with flat roofed elements. Particularly noticeable, would be a section of flat

roof wrapping around the south side of the building to create a new entrance and lobby. With such a varied roof form, vertical timber cladding, louvres, large windows and large doors it would have a highly modern and complicated appearance.

11. I acknowledge the attempt to make a clear distinction between the traditional features of the appeal property and the contemporary style proposed single storey extension. I also note the comments with regard to numerous extensions and alterations which have eroded the significance of the designated heritage asset and the appellants intention to remedy these.
12. However, the proposed single storey extension would be particularly prominent when approaching the appeal dwelling along the access drive and when using the entrance in its south elevation. Through its scale and highly modern finish it would be the most dominant feature of the listed building and would draw attention away from the listed buildings simple traditional architectural detailing. The new south entrance door with glazing panels either side of it would be noticeably characterised as the heritage assets main entrance, reducing the ability to understand the heritage assets evolution. For these reasons the single storey extension would fail to preserve features of special architectural and historic interest and would harm the significance of the grade II listed building.
13. The harm to the listed building would be less than substantial and towards the lower end of any range. However, it is still of considerable importance and weight. In these circumstances, the Framework states that the harm should be weighed against the public benefits of the scheme, which includes securing a heritage asset's optimum viable use.

Planning and Heritage Balance

14. There is no substantive evidence to suggest the optimum viable use of the appeal property as a dwelling would be prejudiced without the proposed development. I agree with the main parties that the replacement of the existing flat roof of the single storey living room extension with a more traditional style lean-to roof would enhance the significance of the heritage asset. I accept this is a public benefit which weighs in favour of the scheme. However, this, and any other enhancement to the heritage asset as result of the proposals are relatively modest, when compared with the scale and impact of the proposed single storey extension addressed above.
15. For these reasons, I find the public benefits are clearly insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset. The appeal schemes therefore fail to preserve the grade II listed Oak Cottage and its features of special architectural and historic interest. Thus, the scheme also conflicts with paragraphs 205 and 208 of the Framework. In this regard the proposals are also in conflict with Policies SP09, LP03, LP19, LP23 and LP24 of the JLP, which taken together seek to safeguard the character and appearance of an area and heritage assets. However, I find no conflict with Policy LP29 of the JLP as this relates to safe, sustainable and active transport.

Other Matters

16. In reaching these conclusions I have noted the comments with regard to the Council's handling of the proposals, particularly pre application advice. I also note that the appeal property is in good order which in part is due to it being carefully maintained. However, I have had regard only to the planning and heritage merits of the case, and none of these other matters are sufficient to outweigh my earlier findings.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeals should be dismissed.

L Fleming

INSPECTOR