



Appeal Decision

Site visit made on 3 December 2015

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2016

Appeal Ref: APP/V2635/W/15/3130537

Station Farm Cottage, Station Road, Stanhoe, Norfolk PE31 8QN

- 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 D Miller against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 15/00218/F, dated 10 February 2015, was refused by notice dated 28 April 2015.
 - The development proposed is the demolition of existing dwelling and replacement with new dwelling.
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Application for Costs

1. An application for costs was made by Mr and Mrs D Miller against King's Lynn and West Norfolk Borough Council and is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect on the character and appearance of the area with particular reference to the existing building as a non-designated heritage asset; and the effect on biodiversity.

Reasons

Significance of the building to be demolished

4. The proposal would result in the demolition of the existing dwelling. The Council consider it to be a non-designated heritage asset. It is described as a former small flint and brick farmhouse marked on the 1887 edition of the Ordnance Survey. Paragraph 135 of the *National Planning Policy Framework* requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
 5. The County's Historic Environment Service describe the original building and establish its age but its significance is not commented upon. They express a preference for its retention. The Council's officer report similarly does not
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describe the significance of the building. A previous officer report, considering a similar proposal (application 14/00989/F), stated that whilst the building is of an age that would indicate its significance as a non-designated heritage asset, it has been altered unsympathetically over time. The report also concluded that the loss of the dwelling would not cause significant harm to the character or quality of the area and limited weight should be given to its retention.

6. The main part of the building is reflective of the local building style and materials. The brick and flint elements which form the oldest part of the building have been substantially altered and added to. The two storey extension is dominant and unsympathetic. The building is in a poor state of repair structurally; the windows are unsympathetic; and repairs have been carried out in inappropriate materials. The works necessary to bring it to modern standards would require significant alterations to the remaining internal fabric and its roof.
7. The house has some significance because of its age. It also has an important relationship with the neighbouring farm buildings which appear to be depicted on the extract from a plan described as being from an 1896 lease. The simple form and distinctive materials of the original house, despite the alterations, ensure that it complements its setting. Overall, although I agree with much of the content of the appellants' *Supplementary Assessment for Buildings Against a Non-Designated Heritage Asset Criteria* document, I find the combination of the age of the building, its aesthetic contribution to the landscape and the value of this group of buildings, to indicate that it should be considered as a non-designated heritage asset.
8. Given the scale of the alterations and additions and the poor quality and condition of its remaining features, together with the numbers of other buildings in the wider area that appear to have retained more of their original character and identity, I agree with the appellants, that the significance of this non-designated heritage asset is limited. There would be some harm as a result of its loss but this would also be limited.

The effect on the character and appearance of the area

9. The proposal would involve the erection of a new house. The frontage has clearly been designed to reflect the local vernacular in terms of its materials and form. This front element would be larger than that of the existing dwelling but as it would be set back from the road, its prominence would be reduced. In views from the front, it would have a good quality design and the materials would be appropriate to this setting.
10. When approaching from the south, the existing dwelling sits relatively unobtrusively because of its orientation and limited depth. It is viewed in association with the farm buildings, set at a lower level beyond. The proposed dwelling would appear overly dominant and intrusive because of the scale of the rear projection. The garage would add to the perceived scale of in-depth development. There is some dispute as to the extent of the residential curtilage of the existing house but even on the basis of the boundaries shown on the layout plan, the new dwelling would appear cramped within its plot.
11. The rear projection would be an overly dominant feature that would detract from the form and proportions of the front element of the house. The design

detailing of the rear element would not reflect the more traditional style of the frontage. Part of this section would be evident from the road and would add to the overall prominence of the building.

12. Views of the new property from the north would be restricted because of the large conifers along the roadside. The proposed substantial rear element would however be visible from the open area of the access and if the trees were to be removed, the scale of this elevation would be extremely prominent. Despite the proposed position of the house, a building of this perceived scale would be overly dominant and would detract from this rural setting. It would be at odds with the existing house, which sits relatively unobtrusively due to its form. It would also be at odds with the two neighbouring houses which have a limited wider impact due to their individual forms and settings.
13. The front section of the house would be of a high quality design and would be in keeping with the positive aspects of the dwelling to be replaced. However, the substantial depth of the house, at two storey height, and the additional depth of the garage, would result in the built form being overly dominant. It would not respect its setting or the surrounding development and it would detract from the character and appearance of the area.
14. The proposal would conflict with Policies CS06 and CS08 of the Core Strategy 2011 (CS) as it would not respond to or maintain the existing context and character and it would not enhance or result in a high quality environment. It would also conflict with emerging Policy DM5 of the Site Allocations and Development Management Policies Pre-Submission Document with regard to visual impact.

The effect on biodiversity

15. The appellants have provided a comprehensive report which identifies mitigation measures to replace the existing roosting space for bats. It includes timetables for works to avoid disturbance. The Conservation of Habitats and Species Regulations 2010 allow for a number of activities, that would normally be prohibited, through derogations listed in Regulation 53. These include preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature.
16. The Council previously accepted that the provision of a new dwelling would satisfy the requirements of the Regulations as it would help to retain a residential use of the site, thus helping to address housing need. This represents an imperative reason of a social nature. The concern with regard to the character and appearance of the area does not alter this position. The mitigation measures would satisfy the Regulations and would ensure that unacceptable harm to protected species would be avoided.
17. The surveyor's report identifies many concerns with regard to the existing dwelling and it does not currently appear to be fit for habitation. A replacement dwelling or substantial works to bring the existing up to a satisfactory standard, are the options available. Both would result in the loss of the roosting space as it is clear that a new roof would be required for the existing house. A replacement roof is therefore necessary whether it is on a replacement house or the existing. I therefore find that there is no satisfactory alternative.

Other matters

18. The new property would be built with good sustainability credentials. It would also offer improved living conditions. I acknowledge the potential for landscaping to help to screen the dwelling but also to enhance both the appearance of the site and the biodiversity of the immediate area. These matters gain support from elements of CS Policies CS12 and CS08.
19. The extent and costs of the works to reinstate the existing house have been provided. These illustrate poor viability and offer support for the principle of a replacement dwelling. I also note the positive views of the Parish Council.
20. References have been made to permitted applications relating to replacement dwellings in the area. I do not have the details of the particular considerations that led to the decisions but in any event, I must consider this proposal on its own particular merits.
21. Details of potential permitted development allowances have been illustrated and compared to the size of the building proposed but these do not offer support for the scale of the rear two storey element.

Conclusions

22. The existing dwelling represents a non-designated heritage asset although its significance is limited. There would be some harm as a result of its loss but this would also be limited. However, the proposed dwelling, because of the scale of the two storey addition in particular, would appear cramped within its plot, would relate poorly to the neighbouring buildings and would detract from the character and appearance of the area.
23. The provision of a new dwelling would bring a number of sustainability benefits and the concerns with regard to the bat roost would be adequately addressed. Although supporting the sustainability objectives of Policy CS08, it would conflict with its design requirements and those of Policy CS06.
24. Although the harm from the loss of this heritage asset would be limited, the design concerns would add to this harm. The sustainability benefits weigh in its favour but they are not sufficient to result in support from Policy CS12 which seeks to avoid, mitigate or compensate for any adverse impacts on heritage. Overall, I find conflict with the CS policies and as these generally accord with the design and heritage requirements of the *Framework*, they can be afforded considerable weight.
25. With regard to the *Framework*, although there would be some sustainability benefits and some improvements to the housing stock, on balance, these matters would not be sufficient to outweigh the harm to the character and appearance of the area and the limited harm resulting from the loss of the heritage asset. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR