

Development Control Committee **7 June 2023**

Planning Application DC/22/0361/HH – The Old Post Office, Bury Road, Flempton

Date registered:	7 November 2022	Expiry date:	5 January 2023 EoT Requested 9 June 2023 (unconfirmed)
Case officer:	Tamara Benford-Brown	Recommendation:	Refuse application
Parish:	Flempton cum Hengrave	Ward:	Risby
Proposal:	Householder planning application - replacement wall to front elevation.		
Site:	The Old Post Office, Bury Road, Flempton		
Applicant:	Mrs Charlotte Partridge		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

This application is before Development Control Committee following a referral from Delegation Panel on 18 April 2023.

The Parish Council have made comments in support of the proposal which is contrary to the Officer's recommendation for refusal.

Proposal:

1. The application seeks planning permission for an already constructed (retrospective) replacement wall at the front of the dwelling known as The Old Post Office. The replacement wall measures between 0.87m – 0.99m in height and sits in a slight curve around the front of the dwelling and around to the side gate. From the application form it states that construction of the replacement wall began on 30 August 2019 and was completed on 31 October 2019. Following the serving of an enforcement notice, a planning application was submitted.

Site details:

2. The application site, known locally as 'The Old Post Office', comprises of a two-storey residential dwelling located along Bury Road in Flempton. The Old Post Office is one of three dwellings in a cluster, which sits on the northern side of Bury Road/A1101 and towards the south-east of Flempton House. The site sits prominently within the Flempton Conservation Area and the dwelling itself is Grade II Listed.

Planning/Enforcement history:

3. Following construction of the wall without planning permission, an enforcement case (EN/19/0346) was opened. An enforcement notice was served and took effect from 28 March 2022. The notice requires the wall to be demolished, including the entrance gate and remove all resultant debris from the demolition, leaving it clean and tidy. A 6 month compliance period was given. This enforcement notice has not been appealed and remains extant.
4. Information in this report relating to enforcement is provided for background information only. Whilst the application is retrospective, the local planning authority must assess the application on its merits taking into account national and local planning policy and any other material considerations in the usual way.

Consultations:

5. Parish Council:

Support.

6. Ward Councillor:

Councillor Susan Glossop (Risby Ward) – No formal comments received but Councillor Glossop was in attendance at the Delegation Panel meeting.

7. Conservation Officer:

This application is for the retention of the front boundary wall which was erected without the benefit of planning permission and is the subject of an Enforcement Notice. The property is a listed building located in a prominent position within the Flempton Conservation Area.

The previous wall was not of any special interest and there is therefore no objection to its removal. The new wall should, however, be of appropriate design and materials to preserve or enhance the character or appearance of the conservation area.

I acknowledge that the previous wall was not particularly appropriate for its situation in front of a listed building and within the Flempton Conservation Area. When the wall was in need of replacement, however, the opportunity to replace it with a new wall of a more appropriate design and materials would be sought. The adjoining wall is of flint construction with gault (pale cream) brick quoins and a canted brick and triangular coping. This wall continues some considerable distance along the road towards the church. The boundary wall to Flempton House, opposite, is also of gault brick laid in Flemish bond, which is a traditional brick pattern. These walls also use lime mortar for the pointing which has a lighter appearance than regular cement. Red brick walls with grey cement pointing and half-round copings, as used on the existing wall, are therefore not prevalent in this part of the conservation area or forming the boundaries of listed buildings.

Photos of flint walls with red brick quoins and copings are submitted with the application but it does not state where these are in the context of the application site or the conservation area.

When considering applications within conservation areas and which affect the setting of listed buildings, the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area and preserving the setting of listed buildings. Local plan policies also require the use of materials which harmonise with the character of the area. The wall as built is not typical of that part of the conservation area so fails to comply with these requirements.

The wall causes less than substantial harm to the setting of the listed building and the character and appearance of the conservation area. I therefore advise that permission should be refused in accordance with the requirements of JDMPD policies DM15 Listed Buildings, in particular d, e and g, and DM17 Conservation Areas, in particular a, b, f and g. In addition, there are no public benefits deriving from the new wall which would outweigh the harm it causes and the new wall does not enhance or better reveal the significance of the listed building or the conservation area. It therefore fails to comply with the requirements of NPPF paragraphs 202 and 206.

8. SCC Highway Authority:

Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.

Representations:

9. No public representations received.

Policy:

10. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

11. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM15 Listed Buildings

Policy DM17 Conservation Areas

Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

Core Strategy Policy CS3 – Design and Local Distinctiveness

Other planning policy:

12. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the

provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

13. The issues to be considered in the determination of the application are:

- i. Principle of Development
- ii. Impact on Character and Appearance of the Dwelling and Surrounding Area
- iii. Impact to Neighbouring Amenity
- iv. Impact to Listed Building
- v. Impact to Conservation Area

Principle of Development

14. In accordance with Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the Rural Vision (2014). National planning policies set out in the NPPF 2021 are also a key material consideration.

15. Paragraph 11 of the NPPF (2021) (as well as policy DM1) states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay. Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.

16. Policy DM24 states that planning permission for ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

17. The dwelling is located within a curtilage which is able to accommodate the replacement wall, without overdevelopment occurring, and given the nature of the proposal, no adverse impact on neighbouring amenity is anticipated.

Therefore, the principle of development is considered to be acceptable. Matters relating to design and impact on the character of the building and surrounding area will be considered below.

Impact on Character and Appearance of the Dwelling and Surrounding Area

18. Policies DM2, DM24 and CS3 all seek to ensure that proposals respect the character, scale and design of the host dwelling and the surrounding area.

19. Policy DM2 states that proposals for all development should recognise and address the key features and character of the areas within which they are to be based. It also states that they should maintain or create a sense of place, preserve or enhance the setting of conservation areas and not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.
20. The replacement wall which has been built comprises of red brick with grey cement and half-round copings. Other boundary walls within the immediate and surrounding area comprise of flint with gault (pale cream) brick quoins and a canted brick and triangle coping as seen at Thatch End, the immediate neighbour towards the north-west. In addition, The Old Post Office sits opposite Flempton House, the boundary wall around this building comprises of gault bricks laid in Flemish Bond – a traditional brick pattern and lime mortar has also been used.
21. In light of this and assessing this information against policy DM2, the wall which has been built at the front boundary of The Old Post Office uses materials and a design which do not relate to the features and character of other surrounding walls in the immediate area. The design of the wall and use of red brick is in stark contrast to the wall outside the immediate neighbours both towards the north-west and opposite.
22. It is for these reasons that the design, character and materials of the replacement wall are not considered to accord with policy DM2 and consequently cannot be supported.

Impact to Neighbouring Amenity

23. Policy DM2 states that developments will not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity.
24. Furthermore, policy DM24 supports this by stating that development should not adversely affect the residential amenity of occupiers of nearby properties.
25. As the wall has replaced a previous existing boundary wall, it is not considered that impacts to neighbouring amenity would arise.

Impact to Listed Building

26. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.
27. Policy DM15 refers to listed buildings, and states that proposals to alter, extend or change the use of a listed building, or development affecting its setting, will be permitted where they can demonstrate a clear understanding of the significance of the building, contribute towards the preservation of the building, are not detrimental to the buildings character

or historic special interest, are appropriate in scale, form and design, use appropriate materials and respect the setting of the listed building (inward and outward views).

28. Comments have been received from the Conservation Officer who has recommended the application be refused. The replacement wall does not accord specifically with criteria d, e and g of policy DM15 which directly relates to respecting the character and setting of the Listed Buildings. The replacement wall has been built using modern materials and presents a design that is not in-keeping with the dwelling's history or other walls in the surrounding area.
29. As the application is for a replacement wall to a Listed Building and is within a Conservation Area, the Conservation Officer advised that the tests of paragraph 202 and 206 of the NPPF (2021) apply. The paragraphs state:
- 202: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 206: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably"*
30. The wall causes less than substantial harm to the setting of the listed building. In addition, there are no public benefits deriving from the new wall which would outweigh the harm it causes and the new wall does not enhance or better reveal the significance of the listed building. It therefore fails to comply with the requirements of the NPPF paragraphs 202 and 206 as well as policy DM15.

Impact to Conservation Area

31. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
32. Policy DM17 requires that proposals within Conservations Areas should preserve or enhance the character of the Conservation Area and retain important natural features such as open spaces, plot divisions, trees and boundary treatments which contribute to the special character of the area and demonstrate a clear understanding of the significance of the Conservation Area.
33. The Old Post Office sits within a cluster of three dwellings on the northern side of Bury Road in Flempton. Bury Road runs through the village with the cluster of dwellings positioned prominently within the public domain and Conservation Area.

34. The replacement wall has been constructed in both design and materials which are not prevalent in this particular part of the Conservation Area. Consequently, the replacement wall is not in-keeping with the surrounding area and is in stark contrast to other walls in the area. The Conservation Officer has highlighted that the wall does not accord with criteria a, b, f and g of policy DM17.
35. Officers acknowledge that the previous wall which was included at the time of the buildings listing in 1983, was not particularly appropriate to the conservation area and was also of a modern design. However, as this wall was beyond repair and was in need of replacement, special consideration should have been taken to acknowledge or make reference to the character of the conservation area and other walls nearby. The design and materials, such as flint, gault brick and triangular copings would be more appropriate. The current replacement wall does not have any of these features and little justification has been given to support the design and materials used within the application.
36. As noted above, the Conservation Officer advised that the tests of paragraph 202 and 206 of the NPPF (2021) apply. The wall causes less than substantial harm to the character and appearance of the conservation area. There are no public benefits deriving from the new wall which would outweigh the harm it causes. The new wall does not enhance or better reveal the significance of the conservation area. It therefore fails to comply with the requirements of the NPPF paragraphs 202 and 206 and policy DM17.

Conclusion

37. Under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a requirement for the decision maker to have special regard to the desirability of preserving or enhancing both Listed Buildings and Conservation Areas.
38. In the case of this application, the wall has been replaced without the consent of the Local Planning Authority. There also remains an extant enforcement notice. The Conservation Officer has confirmed that the replacement wall does not accord with the criteria within both policy DM15 and DM17 and therefore the application cannot be supported by the Local Planning Authority.
39. Furthermore, although the principle of replacing the front wall is considered to be acceptable, the design and details of what has been constructed is not considered to comply with the relevant development plan policies and paragraphs 202 and 206 of the National Planning Policy Framework (2021) and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis, the application is recommended for refusal.

Recommendation:

40. It is recommended that planning permission be **REFUSED** for the following reason:

1. The Old Post Office is Grade II Listed and sits in a prominent location within the Flempton Conservation Area. Red brick walls with grey cement pointing and half-round copings, as used on the replacement wall, are not prevalent in this part of the conservation area or forming the boundaries of listed buildings. The replacement boundary wall is not considered to be in-keeping with the surrounding Conservation Area and does not respect the setting of the Listed Building. The wall causes less than substantial harm to the setting of the listed building and the character and appearance of the conservation area. There are no public benefits deriving from the new wall which would outweigh the harm it causes, and the new wall does not enhance or better reveal the significance of the listed building or the conservation area. It therefore fails to comply with the requirements of NPPF paragraphs 202 and 206, policy DM2, DM15, DM17 and DM24 of the Joint Development Management Policies Document 2015 and Policy CS3 of the St Edmundsbury Core Strategy 2010.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0361/HH](https://www.stedmundsbury.gov.uk/DC/22/0361/HH)