
Appeal Decision

Site visit made on 3 October 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 18th October 2016

Appeal Ref: APP/H3510/W/16/3152689

2 The Highlands, Exning, Newmarket, Suffolk CB8 7NT

- 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 Barrie and Sue Gower against the decision of Forest Heath District Council.
 - The application Ref DC/15/1863/FUL, dated 14 September 2015, was refused by notice dated 15 February 2016.
 - The development proposed is 1.5 storey, detached, new dwelling on land to side of No 2 The Highlands, Exning, Newmarket.
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Decision

1. The appeal is allowed and planning permission is granted for 1.5 storey, detached, new dwelling on land to side of 2 The Highlands, Exning, Newmarket, Suffolk CB8 7NT in accordance with the terms of the application, Ref DC/15/1863/FUL, dated 14 September 2015, subject to the conditions set out in the schedule attached to this decision.

Main Issues

2. The effect of the new dwelling on the character and appearance of the area and on the safety and convenience of users of the adjoining highway.

Reasons

Character and appearance

3. The dwelling proposed would be sited at the side of No 2 The Highlands, in the area of garden which separates this bungalow from the main road, Windmill Hill. The host bungalow forms part of a small estate of large modern single-storey dwellings, spaciouly arranged in generous plots. The original estate has been the subject of later infilling, with detached bungalows added at Nos 2a, 6a and 8a, with a further dwelling recently allowed next to No 6. However, these more recent developments have not altered the overall low-density, spacious character of this estate of large, low-profile dwellings.
 4. This eastern part of the village is generally of low-density, rather informally arranged suburban housing. The appeal site falls within the defined settlement boundary for Exning where the Council considers the principle of new housing to be acceptable, as it is a location in close proximity of village shops and services. It was noted that further land to the east was being developed with a new estate of detached housing and that there had been some detached
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houses built recently as infill along Windmill Hill, such as that adjacent and west of No 8 and nearby at the junction to Saxon Close.

5. Compared to these other examples, the area of side garden where this dwelling would be sited is significantly more confined and provides a much narrower plot of land. However, I have had regard to the Design and Access Statement which shows the careful consideration given to producing a good-quality, contemporary coach-house design for a 1½-storey dwelling. This will meet the appellants' personal needs to be able to down-size their accommodation and remain living in this area, whilst the design would minimise any adverse impacts on future occupiers of the host dwelling or on those living nearby.
6. The appellants' have shown that the footprint-to-plot ratio of this dwelling would be comparable to the new dwellings at 8a and 1 Saxon Close. This is not a determinative matter in my view as this proposal is clearly within a more confined plot than these other examples. Nevertheless, the narrow coach house style dwelling would fit successfully into this space, where it would be set back and sited close to the host bungalow so as to appear ancillary, in both position and scale, and not visually dominant. The dwelling would be of a traditional form and simple design that would not compete harmfully with the contrastingly larger, more spacious development beyond it. There is no strong architectural unity to the design of housing in this area and a modest, well-designed dwelling on this quite prominent corner site would result in no material harm to the character and appearance of this area.
7. Consequently, this proposal would meet the requirements of Core Strategy¹ Policy CS5 by addressing sustainable design principles without detriment to the character of the area. The dwelling proposed would further comply with the residential design requirements of the Joint Development Management Policies Document² Policy DM22 by employing a design specific to the scheme which responds intelligently and appropriately to a clear brief articulated in a Design and Access Statement. This proposal would be supported by the principles of the National Planning Policy Framework (the Framework) to always seek to secure high quality design and take account of the different roles and character of different areas.

Safety and convenience of users of the adjoining highway

8. The scheme provides space for the parking of two cars, adequate for the scale of dwelling proposed, which would be conveniently accessed, allowing users to enter and leave in a forward gear. Based on this, there would be no reason to suppose that this proposal would lead to any material increase in on-road car parking along The Highlands or give rise to vehicle manoeuvres of detriment to highway safety.
9. Based on an automatic traffic loop survey, the appellants' highways evidence shows it reasonable to assume a design speed of 19mph for vehicles entering The Highlands from Windmill Hill. Based on this, and Government advice contained in *Manual for Streets* in respect of stopping sight distances and visibility, I am satisfied that the proposed access allows for an adequate vision

¹ Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 – adopted May 2010.

² Forest Heath and St Edmundsbury Local Plan - Joint Development Management Policies Document of February 2015.

splay and would result in no material harm to the interests of the safety and convenience of users of the adjoining highway.

10. I can find no basis for a highway safety objection to the new access due to blocking visibility for vehicles exiting No 2, given that the close proximity of single access points within estates of houses would be a normal situation. In the event of cars leaving at the same time, drivers would be expected to exercise the care necessary to ensure they have visibility onto the highway before attempting a manoeuvre.
11. For these reasons, this proposal would comply with paragraph 32 of the Framework in that a safe and suitable access to this development would be achieved.

Other Matters

12. Consideration has been given to the further issues raised by interested parties. Whilst it is appreciated that another new dwelling at The Highlands would inevitably bring with it further disruption and impacts during the period of construction this would be for a temporary period and is an inevitable consequence of any building project. This could be the subject of a condition requiring the building works to adhere to an agreed Construction Method Statement to minimise adverse impacts on the living conditions of nearby occupiers.

Conditions

13. I have considered the conditions suggested by the Council. In addition to the standard time limit for commencement, a condition is necessary that the development be carried out in accordance with the approved plans, in the interests of certainty.
14. In the interests of the satisfactory appearance of the development conditions are necessary governing external materials and landscaping. In the interests of appearance, and also highway safety and to ensure adequate waste/recycling storage, a condition is necessary that the new and modified accesses, parking and turning space, visibility splays, bin storage area and walling/fencing are implemented before occupation, and thereafter retained as approved.
15. In the interests of the living conditions of neighbouring occupants a condition requires agreement and adherence to a Construction Method Statement.
16. Given that this dwelling is designed specifically to be accommodated satisfactorily within a relatively confined site I consider that the exceptional circumstances exist to justify a condition which removes domestic permitted development rights.
17. As requested by Suffolk County Council's Archaeological Service a condition is applied to secure a programme of archaeological work based on an agreed investigation. As this was not a condition recommended by the Council, and this is a relatively small-scale development, the measures required to satisfy this condition would be a matter for the relevant parties to come to an agreement upon.

Conclusions

18. This would be the development of a narrow site which would contrast with the more spacious housing elsewhere on The Highlands. However, this scheme has been designed in a manner that is sensitive to this and would provide for a modestly-sized dwelling, of a good quality design situated close to the existing bungalow, which would not detract from the character and appearance of this area of housing. Given that it is also found that a safe and suitable access to the development would be provided, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/H3510/W/16/3152689
2 The Highlands, Exning, Newmarket, Suffolk CB8 7NT

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-223 GA 001, 14-223 GA 002 Rev B, 14-223 GA 003, 14-223 GA 010 Rev A, 14-223 GA 011 Rev A, 14-223 GA 020, 14-223 GA 021.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1; Classes A and E; of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
- 4) The dwelling hereby allowed shall not be occupied until the new and modified accesses, visibility splays, parking and turning space, waste bin storage area and new brick plinth/fence insert walls shown in drawing 14-223 GA 002 Rev B have been fully implemented and these shall thereafter be retained as approved.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development shall take place until a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;

- iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 7) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 6.
- 8) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land identify those to be retained and set out measures for their protection throughout the course of development.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

---End of conditions---