
Appeal Decision

Site visit made on 1 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 8 November 2016

Appeal Ref: APP/W3520/W/16/3155853

Adjacent to 62 Westhall, Stradbroke, Suffolk IP21 5HP

- 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 Steven and Sheila Wright against the decision of Mid Suffolk District Council.
 - The application Ref 0552/16, dated 7 February 2016, was refused by notice dated 5 April 2016.
 - The development is a proposed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would offer satisfactory living conditions for the occupiers of the existing and proposed dwellings with particular regard to the size of the external spaces provided.

Reasons

Character and Appearance

3. The appeal site forms part of the side garden of No 62. This semi-detached two storey dwelling has a broad frontage and entrance door facing the road. It is, therefore, typical of the form of the dwellings in the area. The property occupies a corner location such that its large side garden sits alongside the generous front gardens of the row of properties (Nos 60-54) running north from the site. In turn, these properties form part of a fairly formally laid out group that encloses a substantial area of open space at the junction of Westhall and Queen Street. Consequently, appeal site occupies a prominent location and, notwithstanding the hedge along its boundary with Westhall, contributes positively to the openness of the area and the setting of the adjoining open space.
 4. The proposed dwelling would sit slightly forward of the building line of Nos 62-68 to the west. There would be a considerable gap between the new building and No 62 and the entire building would sit forward of the building line formed by Nos 66-54 to the north. As a result, the siting of the new building would be
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highly conspicuous in the street scene and out of keeping with the characteristic layout of adjoining buildings. By virtue of its height and bulk compared with the existing boundary hedge, it would also close down the openness of this prominent location adjoining the open space. The appellant's suggestion of cutting back the height of the hedge would not overcome this concern. Moreover, the detached form of the dwelling, with the entrance on the narrow gable end of the building would be at odds with the prevailing configuration of dwellings in the area.

5. The appellant has drawn my attention to the grant of planning permission (application ref 1195/15) for a new dwelling adjoining No 68. That proposal is a short distance from the appeal site and was determined on the basis of a comparable policy position. However, whilst it is located on a corner, the new building would be sited much closer to, and in alignment with, No 68. It would not project forward of the building line of the properties to the north to the same degree as the appeal proposal. Nor does that site adjoin an area of open space. Each application and appeal must be determined on its individual merits and I consider that the two proposals can be readily distinguished in terms of their siting and relationship to adjoining buildings and spaces.
6. Consequently, I find that the appeal proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to Policy CS5 of the Mid Suffolk Core Strategy 2008, Policy FC1.1 of the Core Strategy Focused Review 2012 and saved Policies GP1, SB1, H13, H15 and H16 of the Mid Suffolk Local Plan 1998 (LP). Amongst other things, these policies require development to respect and conserve local distinctiveness and character, including in the siting of buildings in relation to their surroundings. Nor would the proposal accord with paragraphs 17, 56, 60 or 61 of the National Planning Policy Framework (the Framework) to the extent that they have similar aims.

Living Conditions

7. Whilst LP Policy H13 requires dwellings to be provided with private amenity space or gardens, I have not been made aware of any quantitative guidance on this matter. Nor have I been provided figures for the sizes of the external areas proposed for No 62 and the new dwelling.
8. The proposal would result in the loss of a significant proportion of the external area of No 62. However, the private garden area to the rear of the dwelling would be unaffected and an area to the side would be retained and available to locate a shed or the like. Consequently, I consider that the proposal would leave the occupiers of No 62 with sufficient external space to meet their need for activities such as sitting out, play, storage, clothes drying and the like.
9. The proposed dwelling would have a short garden area (less than 4m long) to the rear and narrow area (less than 4m wide) to the side adjoining Westhall. Whilst these areas would be reasonably private, they would be small and not well proportioned. I am not persuaded that they would be adequate to provide for the external space needs of future occupiers of the proposed dwelling. Therefore, I find that the proposal would not provide satisfactory living conditions for those occupiers and, to that extent, it would be contrary to LP Policy H13. It would also conflict with Framework paragraph 17 insofar as it requires development to achieve a good standard of amenity for future occupiers.

10. Although I have not been provided with a quantitative comparison, I recognise that the external area proposed for the new dwelling at No 68 is very modest in size. Nevertheless, even if the amount of external space provided in that proposal was deficient, it would not provide a robust justification for allowing a further scheme with similar shortcomings.

Planning Balance and Conclusion

11. Framework paragraphs 7 and 8 require the three roles of sustainability to be considered together.
12. The appellant argues that the Council cannot demonstrate a five year supply of deliverable housing land as required by Framework paragraph 47. The appeal decision¹ cited by the appellant puts the supply at 3.3 years. This matter is not disputed by the Council. Paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered up to date in these circumstances. Where policies are out of date, Framework paragraph 14 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
13. The proposal would make a very modest contribution to the supply of new housing in the District and, therefore, to the social dimension of sustainability. In accordance with Framework paragraph 47, therefore, it merits a measure of weight in support of the proposal irrespective of the housing land supply position. There is nothing to suggest that the proposal would contribute to the economic role of sustainability.
14. With regard to the environmental and social roles, I have found that the proposal would be detrimental to the character and appearance of the area and would not provide satisfactory living conditions for the occupiers of the proposed dwelling. It would, therefore, be contrary to development plan policies including LP Policies GP1, H13 and H16 which deal with matters other than the supply of housing, as well as conflicting with policies of the Framework.
15. Overall therefore, even taking into account the shortfall in the five year supply of housing of the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
16. Consequently, I conclude that the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraph 14.
17. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

¹ Appeal Ref: APP/W3520/W/15/3139543