

Appeal Decision

Site visit made on 20 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 20th January 2017

Appeal Ref: APP/D3505/W/16/3158886

Cross Farm House, Station Road, Hadleigh IP7 5JF

- 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 & Mrs Dan & Ally Leach against the decision of Babergh District Council.
 - The application Ref B/16/00523/FUL/SAS, dated 14 April 2016, was refused by notice dated 15 July 2016.
 - The development proposed is construction of two storey 'split level' private residential dwelling, including integral garage parking and turning area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of development on:
 - (a) the living conditions of occupiers of 12 Tayler Road with regards to outlook and light;
 - (b) the living conditions of future occupiers of the development in terms of private external space; and
 - (c) the character and appearance of the area, with particular reference to Hadleigh Conservation Area.

Reasons

Living conditions of occupiers of 12 Tayler Road

3. 12 Tayler Road is a single storey bungalow located a short distance to the north of the appeal site with a short rear garden. While I did not enter this property or its grounds during my site visit, it was evident that the windows on the southern elevation facing the appeal site include habitable rooms. The existing outlook for occupiers of No 12 from the rear elevation and garden is towards a boundary fence.
 4. The north-south wing of the proposed development, which would contain the garage and bedroom 2, would be located close to the boundary with 12 Tayler Road. It would be two storeys with pitched roof and relatively large in bulk and width. The view from No 12 would be greatly affected and overly dominated by the height of this part of the development, and would result in unacceptable harm to the living conditions of occupiers of No 12 in terms of their outlook.
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5. The owners of No 12 also express concerns regarding the effect of development on light to their property. The sunpath analysis supplied by the appellant indicates that the north-south wing would cast a shadow over the south facing rear elevation and garden of No 12, depending on the time of day and year. Furthermore, this analysis appears to focus on sunlight, but there would also be an effect on daylight arising from the proximity and bulk of this part of the proposed development. Thus, there would also be harm to the living conditions of occupiers of No 12 in terms of their light.
6. I note that the proposals have been amended following a scheme that was refused in March 2016 (B/16/00152/FUL), but the reduction in height of the north-south wing is small. I also note that planning permission was granted in March 2013 (B/12/01324/FUL) for a dwelling with a similar gap to the boundary with No 12, but the design utilised a cat slide roof presumably to address the effects on outlook and light for occupiers of No 12. I do not wish to comment on the architectural merits of the previous permission. However, a number of design solutions may be possible to address the adverse effects that the proposed development would cause in terms of outlook and light to No 12.
7. Concluding on this main issue, the proposed development would result in unacceptable harm to the living conditions of occupiers of 12 Tayler Close in terms of outlook and light. Therefore, it would not accord with Policy HS28 of the Babergh Local Plan Alteration (LPA) No 2 (2006) insofar as it would represent overdevelopment to the detriment of residential amenity. It would also not meet the aims of paragraph 17 of the National Planning Policy Framework (NPPF) which seeks a good standard of amenity for existing occupants of land and buildings.

Living conditions of future occupiers

8. The size of private external spaces varies amongst the properties surrounding the appeal site, with smaller gardens not unusual for a location close to the town centre. For example, 12 and 14 Tayler Road and properties on Tayler Close have rather limited external spaces, while Cross Farm House has a more generous provision. While the site is exposed to views from the south and west, the existing boundary wall provides a reasonable degree of screening.
9. The amount of private external space for the proposed development would be limited, but not significantly less than other properties nearby. Given the size of the site, its corner location and the proximity of neighbouring properties, a large garden space would be difficult to achieve. I am satisfied that adequately sized and shaped terrace areas would be provided, which would be screened to a large extent by the retained boundary wall and new planting.
10. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of future occupiers in terms of private external space. Therefore, it would accord with LPA Policies CN01 and HS28 which, amongst other things, require proposals to avoid an unreasonable standard of garden size and create interesting and attractive private spaces around the development. It would also meet the aims of paragraph 17 of the NPPF in securing a good standard of amenity for future occupants of land and buildings.

Character and appearance

11. Hadleigh Conservation Area covers the historic core of the town, focused on the lengthy High Street and adjoining roads. Its significance can be derived from its historic interest as an ancient market town as well as its architectural interest in the form of important buildings such as the church. Built form along the High Street and many other roads is quite tight knit with open space to the rear. The part of the conservation area along Station Road is characterised by a more intermittent and mixed form of development.
12. The appeal site lies just within the boundary of conservation area in a transitional space between Station Road and modern development to the north along Tayler Road and the east side of Magdalen Road. Spacing around properties varies as a result of different styles and ages of development.
13. The boundary wall around the southern and western boundaries of the site has architectural and historic interest. However, the remainder of the site does not have any particular interest other than forming part of the original garden to the historic Cross Farm House. Thus, the site overall makes a limited contribution to the significance of the conservation area and has no particular value to the general street scene other than the boundary wall.
14. The proposed development would occupy a prominent location on the corner of Station Road and Magdalen Road, but would be set further back from Station Road than Cross Farm House. Views towards Cross Farm House from within the conservation area along Station Road would remain largely unaffected due to the siting of the building. The height and scale of the main east-west wing would be similar to Cross Farm House, while the north-south wing would be a more subordinate element, notwithstanding its adverse effects on living conditions as described above. The space around the building would not be abnormally tight, and it would not be out of keeping with the form and layout of development in the area. The boundary wall would remain as a positive feature.
15. The design is undoubtedly contemporary, but picks up on elements of local architectural details in the shape and pitch of the roofs and the use of timber cladding and brickwork for the walls. It would make a positive addition to the street scene, and the general effect of development on the conservation area would not be visually intrusive or overly dominant. The loss of open space, already established by the 2013 planning permission, would be acceptable. Thus, there would be no harm to the significance of the conservation area and its character and appearance would be preserved.
16. Concluding on this main issue, the development would have an acceptable effect on the character and appearance of the area, including Hadleigh Conservation Area. Therefore, it would accord with LPA Policies CN01, CN08 and HS28 and Policy CS15 of the Babergh Core Strategy & Policies (2014). Amongst other things, these policies seek development that preserves conservation areas and makes a positive contribution to local character with an appropriate scale, form and design in keeping with the surrounding area. It would meet the aims of the NPPF in terms of conserving the significance of a designated heritage asset and responding well to local character and surroundings.

Other Matters

17. I note that the site has been recently cleared, including the loss of a mature silver birch tree, but these actions are separate to the development proposed and so have had no bearing on my overall assessment.

Conclusion

18. The proposed development would have an acceptable effect on the character and appearance of the area, including Hadleigh Conservation Area, and would have an acceptable effect on the living conditions of future occupiers. However, it would result in unacceptable harm to the living conditions of occupiers of 12 Tayler Road in terms of outlook and light. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR