
Appeal Decision

Site visit made on 31 January 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 17th February 2017

Appeal Ref: APP/J3530/W/16/3157816

Springcroft, 34 Falkenham Road, Kirton, Suffolk IP10 0NW

- 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 Andrew Clarke against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/1859/FUL, dated 4 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is proposed bungalow and detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for proposed bungalow and detached garage at Springcroft, 34 Falkenham Road, Kirton, Suffolk IP10 0NW in accordance with the terms of the application, Ref DC/16/1859/FUL, dated 4 May 2016, subject to the following conditions:
 - 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: 3598-06B; 3598-07E; 3598-11.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development 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.
 - 4) Prior to first occupation of the development hereby approved the area shown on Dwg. 3598-06B for the purposes of loading, unloading, manoeuvring and parking of vehicles shall have been provided. Thereafter the area shall be retained and used for no other purpose.
 - 5) Prior to first occupation of the development hereby approved the area shown on Dwg. 3598-06B to be provided for the storage of refuse/recycling bins shall have been provided in its entirety. Thereafter the area shall be retained and used for no other purpose.
 - 6) Prior to the erection of the front boundary fence shown on Dwg. 3598-06B, details of the design, height and materials of the fence shall have been submitted to and approved in writing by the local planning authority. Implementation shall conform to those details.
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- 7) No development shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. Details of soft landscape works shall include planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
- 8) All planting 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.

Procedural Matter

2. During the course of the appeal I invited both main parties to comment on the suggested wording of conditions 7 and 8, as I considered these might be appropriate if I was minded to allow the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is a backland area, situated to the rear of 32 Falkenham Road (No 32) which is a large detached dwelling currently under construction¹. I noted on my visit that Falkenham Road has a mixed building pattern, reflective of the organic growth of the settlement. Dwellings present varied styles and form, and range from semi-detached bungalows to period detached dwellings. There does not appear to be a consistent building line in the vicinity of the appeal site and I also noted that there has been development behind the northern frontage of Falkenham Road which has taken the form of cul de sacs of modern dwellings.
5. The development comprises the construction of a detached bungalow and garage on existing garden land, and accessed from an existing driveway situated alongside No 32. The Council accepts that there is no objection to development in principle within Kirton, as the appeal site lies within the settlement boundary.
6. Although I concur with the Council that a few plots on each side of the appeal site are characterised by long narrow rear gardens, the appeal plot extends across the plot widths of both No 32 and 34 Falkenham Road (No 34). I noted on site that the garden area behind Nos 32 and 34 is very generous, particularly compared to the rear garden area of the adjoining plot at 30 Falkenham Road (No 30).
7. The supporting text to Policy DM7 of the Local Plan² (LP) states that infill development represents an important source of new small scale housing, but that it is important that it does not damage the character and amenity of established areas. The policy text goes on to list criteria against which infill development should be assessed, including that it should not be cramped,

¹ DC/16/0572/FUL

² Suffolk Coastal District Council, Local Plan adopted July 2013

should be well related to adjacent properties, make efficient use of land and should not erode the character of an area. This policy is supported by Paragraph 53 of the National Planning Policy Framework (the Framework) which gives guidance to local planning authorities with regard to the development of garden land.

8. The Council has raised a concern that the sub-division of No 32's plot would result in backland development which would be incongruous in the street scene. However, the proposed layout³ indicates that in addition to being some 70 metres from the road, the bungalow would be set back from the flank wall of No 32 and visibility from the road would be limited. Whilst I appreciate that the driveway would be prominent in the street scene, the evidence before me indicates that the first 50 metres of driveway, which accesses No 32's garage, already has planning permission. Furthermore, views of the bungalow could be at least partially screened by planting imposed under a condition, were the development to be allowed. As such, I give the Council's argument in regard to the impact of the development on the street scene, little weight.
9. The bungalow would also introduce frontage activity to the rear of the dwellings fronting Falkenham Road. However, it would be located some distance from existing dwellings and would be situated on a generous plot. Although there would be noise and disturbance associated with an incremental increase in use of No 32's driveway and domestic activity associated with the bungalow, I am not satisfied that this would be sufficient to cause harm to the character of the immediate area, particularly given the size of adjacent gardens.
10. Consequently, although the positioning of the bungalow would be unrelated to the building line fronting Falkenham Road, given the spaciousness of the plot, the existing irregularity of the underlying building pattern and the proximity of buildings fronting Alley Road some 30 metres away, I am satisfied that this would not cause particular harm to the character of the area.
11. As such, I conclude the development would not be contrary to LP Policy DM7, as outlined above.
12. LP Policy DM21 states that development should relate well to the scale and character of their surroundings. I have noted above that the area has a mixed building pattern which is particularly evident in the immediate vicinity of the appeal site where a short series of modest semi-detached bungalows gives way to detached one and two-storey dwellings. Opposite No 32 it is possible to see the modern development of Meadowlands, which is sited behind the road frontage, in proximity to a detached period dwelling fronting the road. Consequently, given the bungalow's limited visibility from the road, I am not satisfied that there would be significant harm in relation to scale and character. As such the development would not be contrary to LP Policy DM21.
13. The reasons for refusal also cite LP Policy SP1A. This states that applications that accord with policies in the Local Plan should be approved without delay unless material considerations indicate otherwise. I have outlined above why I consider the development would not be contrary to the relevant policies in the Local Plan. As such, there would be no conflict with LP Policy SP1A. Nor do I find conflict with Paragraph 53 of the Framework as I do not consider the development would represent inappropriate development of garden land.

³ Dwg. 3598-06B

Other matters

14. The Council has indicated that it has a five year housing land supply. However, as I have not found harm in respect of the main issues this has not been determinative to my reasoning.
15. The Council has also indicated that it considers this development would set a precedent to backland development. Whilst I appreciate this concern the evidence before me demonstrates that there is a history of development activity behind road frontages in the area. Furthermore, future development applications would be determined on their own merits. Consequently, I give this argument little weight.
16. The parish council has drawn attention to the dwelling recently constructed behind the White Horse public house, referred to in the appellant's statement, and noted that this was not built on garden land. I note this observation, but as I have not found harm in relation to the main issues, this has not been determinative to my reasoning.
17. I also note that occupiers of 36 Falkenham Road (No 36) have raised a concern in relation to disturbance caused by previous works at 34 Falkenham Road during the application process. However, the development comprising the appeal before me would be some distance away from No 36.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
19. In order to ensure the satisfactory appearance of the dwelling I have imposed a condition requiring the submission and approval of materials to be used on external surfaces as well as details of the front boundary fence. I have also imposed conditions requiring the hardstanding area shown on the site layout to be provided before first occupation of the dwelling and a condition to ensure adequate storage space for refuse and recycling bins, also before first occupation. These are to ensure that the development does not present hazards to highway safety.
20. I have also imposed a condition requiring the submission and approval of a planting scheme. This is to provide screening of the development from Falkenham Road.
21. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

22. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR