
Appeal Decision

Site visit made on 28 February 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/D3505/W/16/3161903

Cherry Tree Cottage, High Street, Acton CO10 0BA

- 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 S Goodwin & Mr G Underwood against the decision of Babergh District Council.
 - The application Ref B/16/01052/FUL/MECO, dated 25 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is severance of side garden and erection of new detached 2 storey dwelling with associated parking and access alterations.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The character of the area comprises a mix of dwelling types and designs, but all generally conform to a conventional layout pattern of road frontage properties with varying sized rear gardens. While the front elevation of the proposed dwelling would face Melford Road consistent with surrounding properties, the layout of both the existing and proposed properties would in effect be turned 180-degrees, so that the formalised parking area and vehicular access normally found on plot frontages would occupy the rear land; and this would result in the future occupiers of the existing and proposed dwellings relying on the front garden areas to function as what would traditionally be the rear garden space.
 4. I do not share the Council's view of the inevitability that future occupiers of the existing and proposed dwellings would, in time, require taller boundary treatments to enclose the front areas to protect their privacy. Even if they were to do so, I am satisfied that the Council would have control over, and if necessary have due cause to resist such development if it deemed it to be unacceptable. While I do necessarily find the sizes of the outdoor spaces would be unacceptably small for the future occupiers or be too dissimilar with the surrounding character, I do find that the reversed layout would be unduly inconsistent and incongruous with the surrounding built form. The installation of a taller boundary treatment along the boundary with Sudbury Road would not in my judgement be capable of masking the incongruity of the layout with
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its surroundings, and I find the proposed layout would cause significant harm to the character and appearance of the area.

5. The appellants assert that the land to the rear of the appeal site is already a parking area, albeit that it is grass. However, I observed this to be a rather informal arrangement, and the use of the rear garden in this manner does not alter the site's conventional layout. I also observed nothing from my site visit of the surrounding locality, particularly in regard to the layout of the public house on the opposite side of the road, which persuades me to alter my conclusion on this matter. The specific details of the referenced appeal decision cited by the appellant are not before me such that I am unable to draw any direct comparisons to the appeal scheme. In any event, I have made my decision on the evidence before me.
6. I acknowledge that the provision of an additional dwelling would make a small but nonetheless welcome contribution to the Council's housing stock, and that the site is located within close proximity to local services and facilities in the village as well as a bus stop, and these would amount to benefits that weight in the scheme's favour. However, I find such benefits would not be significant, and would be outweighed by the considerable harm that would be caused to the character and appearance of the area that I have identified.
7. I find that the proposed development would not accord with policies CN01 and HS28 of the Babergh Local Plan Alteration No.2 2006 (with saved policies 2009). These state that all new development proposals will be required to be of an appropriate scale, form, detailed design for the location and that planning applications for infilling will be refused where the layout provides an unreasonable standard of privacy or garden size.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR