

---

# Appeal Decision

Site visit made on 28 March 2017

**by Amanda Blicq BSc (Hons) MA CMLI**

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

**Decision date: 06 April 2017**

---

**Appeal Ref: APP/E3525/W/16/3164718**

**6 Fen Road, Grimstone End, Pakenham, Suffolk IP31 2LZ**

- 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 Ms Yasmin Hempstead against the decision of St Edmundsbury Borough Council.
  - The application Ref DC/16/1380/FUL, dated 27 June 2016, was refused by notice dated 12 October 2016.
  - The development proposed is erection of a two-bedroom annexe.
- 

## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Ms Yasmin Hempstead against St Edmundsbury Borough Council. This application is the subject of a separate Decision.

## Procedural Matters

3. There is a dispute between the main parties with regard to the description of the development. The appellant maintains that the development is an annexe to the host dwelling and has drawn my attention to Policy DM24 of the Local Plan<sup>1</sup> (LP) which outlines policy in respect of self-contained annexes. Although the Council maintains that the development is a self-contained dwelling, I have considered the development firstly against the tests of LP Policy DM24, with later consideration of the policies cited in the Council's reasons for refusal.
4. For reasons given above I have used the description of development given on the application form in the heading.

## Main Issues

5. The main issues are:
  - whether the development would represent a self-contained annexe permissible under relevant local and national policies;
  - whether in the context of relevant local and national policies, the proposals would represent sustainable development with particular regard to location;

---

<sup>1</sup> Forest Heath and St Edmundsbury Local Plan, Joint Development Management Policies Document, February 2015

---

- the effect of the development on the character and appearance of the area; and,
- the effect of the development on the safe and efficient operation of the highway.

## **Reasons**

### *Background*

6. The appeal site is a corner plot located at the junction of Fen Road and Broadway, and is situated on the edge of a cluster of some 14 dwellings approximately 1 mile south of the village of Ixworth. I noted on my visit that this is a rural area characterised by scattered clusters of dwellings and small villages. The site is some 0.5 miles from the A143 which links Bury St Edmunds and Diss.
7. Number 6 Fen Road (No 6) is a semi-detached dwelling at the end of a short line of similar dwellings, and has a long tapering rear garden which runs alongside Broadway on its western boundary. It is not a matter of dispute between the parties that the site lies within the countryside for planning purposes.

### *Self-contained annexe*

8. The drawing<sup>2</sup> indicates that the development would be a single storey two bedroomed dwelling with accommodation beneath the steeply pitched roof. It would be located towards the end of No 6's rear garden and would be aligned to front Broadway. It would have a footprint that would be some 60 per cent larger than that of No 6 and contain a generous dining/ kitchen and separate sitting room as well as two double bedrooms with en-suite bathrooms. There would be limited space between both its front and rear elevations, and the plot boundaries. The development's frontage would be separated from the garden of No 6 by fencing, and there would be independent access points for both pedestrian and vehicles from Broadway.
9. LP Policy DM24 states that proposals for residential annexes in the countryside will be permitted only where the design and siting of the annexe is such that it is capable of being reasonably integrated into the use of the original dwelling once the need for it has ceased.
10. The development would contain all the functions of an independent dwelling, with generously proportioned rooms. There is nothing in the evidence before me to indicate its use would be complementary or ancillary to the host dwelling, which is my understanding of the term annexe in building and planning terms. As such, given its size and position relative to No 6, and limited functional connection with the host dwelling as well as the self-contained accommodation to be provided, I consider it unlikely that the development could be reasonably integrated into the host dwelling.
11. With regard to future integration the appellant argues that the need for the development will not cease so future integration should not be a determinative factor. However, it is likely that both the development and the host dwelling

---

<sup>2</sup> Dwg. 2A

would outlast the current occupiers of No 6 and consequently I give this argument little weight.

12. LP Policy DM24 also states that the size of the annexe should be the minimum necessary to meet its purpose. Given that the development would appear to be considerably larger than the host dwelling, and there is no information to enable me to fully assess its purpose, (other than providing additional family accommodation), I conclude that the development would not meet this policy test. Nor is there evidence to indicate the development would be inclusive or sufficiently flexible to accommodate mobility or disability needs.
13. The third test of DMD Policy DM24 states that the development's size, scale, location and design should relate satisfactorily to the existing dwelling and its curtilage. As I have outlined above, the development would be considerably larger than the host dwelling and also of a disproportionate size and scale relative to No 6. Furthermore, its independent frontage reinforces my conclusion that it would appear as a separate dwelling fronting Broadway and the development's facilities and amenities would duplicate rather than complement the host dwelling.
14. I appreciate that the appellant argues that the host dwelling is too small for family use, and were the appeal to be allowed family members may use the development. However this does alter the fact that the development is neither visually subordinate nor functionally related to the host dwelling.
15. In the light of the above, I am not satisfied that the development represents a self-contained annexe and as such it would be contrary to the tests set out in LP Policy DM24. I now turn to the Council's reasons for refusal and consideration of the development as a self-contained dwelling.

#### *Location*

16. Policies CS1, CS2, CS3 and CS4 of the Core Strategy<sup>3</sup> (CS) and LP Policy DM1 are general policies which taken together require that development outside settlements will be strictly controlled, and represent sustainable development.
17. LP Policy DM5 allows small scale residential development outside settlement boundaries subject to proposals meeting the criteria listed in LP Policy DM27. LP Policy DM27 states that development should be within a cluster of 10 or more existing dwellings fronting a highway, and the scale of development should consist of infilling on a small plot by one dwelling or pair of dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage
18. Although on the periphery of a cluster of 14 dwellings, the development would not infill a small plot within a continuous built-up frontage as Broadway does not have a built-up frontage. Furthermore as the plot of No 6 is open on two sides, I do not consider it represents an infill plot.
19. Paragraph 55 of the National Planning Policy Framework (the Framework) states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. I appreciate that Paragraph 55 also states that development in one village may support services in a village nearby. However, although this appeal site lies within a cluster of dwellings,

---

<sup>3</sup> St Edmundsbury Borough Council, December 2010

that cluster is some distance from nearby villages and their associated services. There is no evidence to suggest there are any day to day services within the immediate cluster of dwellings and as such I conclude it would be an isolated home in the countryside. In that circumstance Paragraph 55 sets out special circumstances to warrant such development but the evidence before me does not advance a case for the special circumstances. These are listed in the delegated report and include the essential need for a rural worker, the optimal use of a heritage asset, the reuse of a redundant building or exceptional quality and design. As such, I conclude that the development would be contrary to the provisions of Paragraph 55 of the Framework.

20. I appreciate that Paragraph 29 of the Framework recognises that sustainable transport solutions will vary from urban to rural areas. However, given the narrowness of lanes in the vicinity of the appeal site, as well as lack of street lighting and footways, I am not satisfied that alternative modes of travel are a realistic expectation. This is reinforced by my observation that future occupiers needing to access Ixworth would need to cross the A413 which is a dual carriageway and which does not appear to have crossing points at the junctions of the lanes from Grimstone End. Given the levels and speed of vehicles on the A413 when I visited the site (mid-day) I concur with the Council that future occupiers would be likely to use vehicles to access day to day amenities. I recognise that my observations are a snapshot in time, but I consider them fairly representative of off-peak hours.
21. I agree with the appellant that Paragraph 32 of the Framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. However, the evidence before me indicates that the Council's first reason for refusal is based on its policy requirement to manage growth and focus new development in sustainable locations. In this context Paragraph 32 of the Framework is of little relevance, as it is referring to the efficient and safe operation of the highway rather than sustainable travel options.
22. In the light of the above, I conclude that the development would not be sited in a sustainable location in the context of relevant local and national policies. Consequently, it would be contrary to CS Policies CS1, CS2, CS3 and CS4, as well as LP Policies DM1, DM5 and DM27 with regard to development in the countryside, as well as Paragraph 55 of the Framework, all as outlined above. It would also be contrary to Policy RV1 of the Rural Vision<sup>4</sup>, which also outlines a general presumption in favour of sustainable development.

#### *Character and appearance*

23. The development would have limited lateral separation between its rear elevation and the side plot boundary. Given the length and bulk of the development I concur with the Council that this would appear cramped, particularly as there would also be limited space between the front elevation and Broadway. Furthermore, the dwellings fronting Fen Road have a consistency of plot size, and the development would be unrelated to the established building pattern. Although I noted that another dwelling, Greycot, has limited separation with plot boundaries, Greycot is clearly aligned with other dwellings fronting Fen Road. This development would be a single

---

<sup>4</sup> Rural Vision 2031, September 2014

dwelling fronting Broadway and would be sufficiently distant from No 6 to appear as an isolated structure, detached from the established building pattern.

24. The development would also have an overbearing and enclosing effect on the rear garden of No 6's attached dwelling. Given the size of that dwelling's garden I am not satisfied that this would be sufficient harm to warrant dismissal of the appeal but it reinforces my concern that the development would be cramped on the site. It would also be incongruous and uncharacteristic of this line of dwellings which have a contiguous area of amenity space behind the frontage.
25. I appreciate that obscure glazing could mitigate overlooking effects from the development's first floor, but this does not alter my conclusion that the development would be intrusive and represent overdevelopment that would have an adverse effect on the use of the attached dwelling's rear garden.
26. The appellant refers to the caveat in LP Policy DM27 which seeks to protect visually important gaps, but as I have concluded that the development would be contrary to LP Policy DM27, this is of little relevance. In any case, the caveat applies as a restriction on development so does not support the appellant's argument.
27. Consequently, I conclude that the development would be contrary to the design aims of LP Policies DM2 and DM22 which seek to recognise and address local distinctiveness amongst other aims, as well as safeguarding neighbouring amenities.

#### *Highway safety*

28. The proposed vehicular access to the development would be an existing single lane track with an entrance on Broadway. I noted on site that visibility to the north would be obstructed by a medium sized tree and a raised bank. I acknowledge the highway authority's concerns that a visibility splay to the north would extend across neighbouring land and therefore a condition to ensure its construction and maintenance would be unenforceable. However, as this is an existing vehicular access and as traffic volumes associated with the development would be low, I am not satisfied that there would be sufficient harm to highway safety to warrant dismissal of the appeal.
29. Consequently, I find no harm in relation to LP Policy DM2, or the provisions of the National Planning Policy Framework in relation to highway safety and the need to ensure safe and secure access.

#### *Other matters*

30. The appellant queries the soundness of the Council's cited policies, but although the CS was adopted prior to publication of the Framework, Paragraph 216 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework. There is no evidence before me to indicate that I should give these policies anything other than full weight. In any case, the development is also contrary to LP policies and the LP was adopted after publication of the Framework.
31. The appellant argues that No 6, with two bedrooms, is too small for future sale as a family home. Although I appreciate that families may seek accommodation with more bedrooms, in my experience smaller homes are

often sought by older people downsizing, or for use as starter homes. Furthermore, the evidence before me indicates that there are plans for the host dwelling to have a side extension which will increase family accommodation.

32. It is argued by the appellant that the development would represent sustainable development as set out in the Framework, and I concur that the Framework requires a presumption in favour of sustainable development. However, Paragraph 14 of the Framework states that for decision makers this means approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise. In determining this application I have found the relevant policies in the development plan to be sound and it is these policies against which the development has been tested, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act. No material considerations, other than those included in my reasoning, have been brought to my attention.
33. The appellant also argues that the development cannot be considered unsustainable as some of the statutory consultees raised no objection. However, the advice from consultees is considered in the planning balance by planning officers. In any case, the reference to sustainable development in this appeal is referring primarily to location and access to services.
34. The Council has referred to other policies as being relevant but as they are not directly linked to specific reasons for refusal, they have not been determinative to my reasoning.

### **Conclusion**

35. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

*Amanda Blicq*

INSPECTOR