The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

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

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

Decision date: 26th April 2017

Appeal Ref: APP/W3520/W/16/3164099
54 Heather Close, Thurston, Suffolk IP31 3PX

- 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 Mrs Angela Bliss against the decision of Mid Suffolk District Council.
- The application Ref 1687/16, dated 31 March 2016, was refused by notice dated 23 August 2016.
- The development proposed is 2 bedroom retirement dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   (a) the effect of the proposal on the character and appearance of the surrounding area;

   (b) the effect of the proposal on the living conditions of occupiers of neighbouring properties;

   (c) whether satisfactory living conditions would be provided for future occupiers of the dwelling in terms of external space provision;

   (d) the effect of the proposal on highway safety; and

   (e) whether the proposal adequately addresses potential land contamination.

Reasons

Character and appearance

3. Heather Close is characterised by detached chalet bungalows typically 1.5 storeys tall with rooms in the roof. Properties are closely and regularly spaced to each other, and are set back from the road with a staggered building line. There is much variation in terms of the design, scale and appearance of properties, including materials. Properties benefit from lengthy side or rear gardens, which help to give the area a spacious character and appearance.

4. The appeal site consists of garden space between 53 and 54 Heather Close in a gap between properties noticeably larger than most others on this road. While the width of the site is similar to plots widths elsewhere on Heather Close, the depth is much shorter than most due to the extent of the rear garden at 55 Heather Close to the west.

5. The proposed development, though a two storey house rather than a chalet bungalow, would not be significantly taller than surrounding properties. With the existing variety in design and appearance on Heather Close, the detailing of the development would also be satisfactory. The gap between the development and Nos 53 and 54 would be regular and not unduly narrow for this road. The protruding building line would not appear at odds with the area and would retain an open plot frontage.

6. However, there would be very little garden space to the rear or side of the development, which would be accentuated by 1.8 metre close boarded fencing along the side and rear boundaries. This would result in a cramped appearance when viewed from the road, which would be uncharacteristic for Heather Close. I note that the Parish Council refer to this site as vast, but I do not consider the development would have sufficient space to the rear or side to be in keeping with its surroundings.

7. Concluding on this main issue, the proposed development would be harmful to the character and appearance of the surrounding area. Therefore, it would not accord with Policies GP1, SB2, H13, H15 and H16 of the Mid Suffolk Local Plan 1998 ('the Local Plan'), Policy CS5 of the Mid Suffolk Core Strategy 2008 and Policy FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012. Amongst other things, these policies seek development that maintains and enhances the character and appearance of the district. It would also conflict with the aims of the National Planning Policy Framework (NPPF) which seeks good design taking into account local character.

Living conditions for neighbouring occupiers

8. The proposed 1.8 metre fencing along the side and rear boundaries of the site would greatly limit overlooking at ground floor level between the development and its neighbours at Nos 53 to 55. From the proposed first floor window of bedroom 2, there would only be an oblique view to the rear garden of No 53, but there would be a direct view into the bottom of the rear garden for No 55. Given the short depth of the appeal site plot, such views would result in harm to the living conditions of occupiers of No 55 in terms of their privacy.

9. The boundary between the appeal site and 53 Heather Close is currently a low brick wall with a clear view from the pavement of the ground and first floor windows on the side elevation of No 53. The proposed fencing and dwelling would intrude on the outlook from, and the light to, these windows, resulting in harm to the living conditions of occupiers of No 53.

10. The development would reduce the amount of private external space for occupiers of No 54, but an adequate area of garden on the north side of the property would be maintained, which is currently enclosed by tall hedging to ensure privacy. This would maintain the living conditions for occupiers of No 54, but does not diminish the harm I have identified elsewhere.

11. Concluding on this main issue, the proposed development would result in harm to the living conditions of occupiers of 55 Heather Close in terms of privacy and overlooking to their rear garden. It would also result in harm to the living conditions of occupiers of 53 Heather Close in terms of outlook and light. Therefore, it would not accord with Policies SB2, H13 and H16 of the Local Plan which, amongst other things, seek to avoid adverse effects on the amenity and privacy of neighbouring residents. It would also not meet the aims of the NPPF

which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions for future occupiers

12. I have not been provided with any local standards on the size of external space for new residential development, so have assessed this case on its own merits. Given the size constraints of the site as identified above, there would be a limited amount of private external space for future occupiers of the proposed development. This would be exacerbated by the proposed fencing which would greatly enclose this space. While it would be a useable space, it would be significantly smaller than the external spaces enjoyed by occupiers of existing properties on Heather Close.

13. The appellant argues that as a retirement dwelling, occupiers would not want or need a large garden. However, this is not necessarily the case and would vary depending on potential occupiers and their interests. Regardless of who might occupy the proposed development, the limited space would not provide satisfactory living conditions.

14. Concluding on this main issue, there would be harm to the living conditions of future occupiers of the proposed development in terms of external space provision. Therefore, the development would not accord with Policy H13 of the Local Plan which seeks a high standard of design and layout for new housing. It would also not meet the aims of the NPPF which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

15. The road along this stretch of Heather Close is narrow making it difficult for two vehicles to pass comfortably. At the time of my mid-morning site visit, Heather Close was quiet with little on-street parking. It is likely that the road would be busier in the evenings and weekends, although most properties have off-street parking for at least one vehicle. On-street parking would obstruct the road and/or pavement, mindful that a bus service uses this stretch of Heather Close.

16. The bay in front of the appeal site is long enough to accommodate two vehicles off the main carriageway. It is immediately adjacent to the dropped kerb and driveway for 54 Heather Close. There is disagreement between the appellant and the Council and interested parties over the ownership and use of this space. Nevertheless, while the bay was not in use at the time of my site visit, it evidently serves a purpose as a passing place, if not also for parking, as I saw no obvious restrictions to such purposes.

17. The proposed development would likely limit any parking within the bay to one car, given that its garage and driveway would be located adjacent to the northern half of the bay. In the event of a vehicle being parked in the southern half of the bay, the effect on visibility for vehicles leaving the proposed development would be no worse than the existing visibility for vehicles leaving 54 Heather Close with a vehicle parked in the northern half of the bay. Furthermore, although close to 90 degree bends to the north and south, the frequency and speed of traffic along Heather Close is unlikely to be high to pose a significant risk to highway safety.

18. The displaced parking from the bay could result in an additional vehicle parked on the street obstructing the road and/or pavement, but on its own would be limited in its effect. As noted above, traffic is unlikely to be travelling at great speed or frequency, meaning that pedestrians and other pavement users along with other vehicles would have time and space to pass a parked vehicle without significant risk to their safety. Although there are similar bays on adjoining streets, there is no certainty that any displacement of parking here would lead to unavoidable pressure to lose parking elsewhere.

19. The proposed development would not prevent off-street parking at No 54 despite the loss of its existing garage and its relocation to the north of the existing bungalow. I note concerns about the effects of construction vehicles on highway safety, but such effects could be carefully managed and would be temporary.

20. Concluding on this main issue, the proposed development would have an acceptable effect on highway safety. Thus, it would accord with Policy T10 of the Local Plan which, amongst other things, seeks the provision of safe access to and egress from the site, and safety for pedestrians and traffic. It would also meet the aims of the NPPF in terms of safe and suitable access to the site.

Land contamination

21. The Council's reasons for requiring an environmental search report in policy or validation requirement terms are not clear. The land contamination questionnaire is considered by the Council to be satisfactory, and given that the appeal site is part of a domestic garden on a housing estate that appears to date back a number of decades, I am not persuaded that the lack of an environmental search report in this instance is a fundamental flaw. I note that paragraph 193 of the NPPF requires local planning authorities to be proportionate in their information requirements based on the nature and scale of development proposed with any supporting information relevant, necessary and material to the application in question.

22. Based on the evidence before me, I consider that the proposal has adequately addressed potential land contamination. In the event of this appeal being allowed, and subject to it meeting the six tests set out in paragraph 203 of the NPPF, a planning condition or conditions could be attached to further address any land contamination issues.

Planning balance

23. The Council and the appellant recognise that the Council is unable to demonstrate a five year supply of deliverable housing sites. In line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up to date and the presumption in favour of sustainable development set out in paragraph 14 would apply. Paragraph 14 states that where relevant policies are out of date, 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 NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.

24. Neither main party has identified whether any of the policies cited in the decision notice are relevant policies for the supply of housing. From my reading however, none of the policies explicitly create or control the supply of

housing and so are not relevant policies under paragraph 49 of the NPPF. I also consider these policies to be broadly compliant with the NPPF and as such they carry considerable weight. In these circumstances therefore, paragraph 14 of the NPPF does not apply.

25. The provision of an additional dwelling would have some social and economic benefits in terms of local investment and boosting housing supply in a location with good access to local services. However, these benefits are modest given the scale of development and do not outweigh the harm to the character and appearance of the surrounding area and the harm to living conditions of neighbouring and future occupiers. Taken as a whole, the proposal would not represent sustainable development.

Conclusion

26. The proposed development would have an acceptable effect on highway safety and has adequately addressed potential land contamination. However, there would be harm to the character and appearance of the area as well as harm to the living conditions of neighbouring and future occupiers, and the proposal would not represent sustainable development. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR