
Appeal Decision

Site visit made on 19 July 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/D3505/W/17/3173055

4 Kenney Close, Burstall, Ipswich IP8 3ER

- 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 Paul Jones against the decision of Babergh District Council.
 - The application Ref B/16/01212/FUL/LJB, dated 1 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is erection of 1 no. detached single storey dwelling including vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The current appeal proposal follows a previous dismissal at appeal for a detached dwelling to the rear of 4 Kenney Close, including an extended vehicular access and proposed garages serving the new and existing dwellings¹. In this appeal, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The description of the character of the area in the 2016 appeal decision remains equally relevant to this current proposal and there is no need to repeat it in full. As with the 2016 appeal, the most significant feature to note is that although the chalet bungalow at No 4 lies at the eastern end of the cul-de-sac of 4 detached properties, the spacious gardens of the properties on Kenney Close are visible from the north between the existing Kenney Close properties, as well as from the public footpath along the field boundary to the east and the road to The Courts and Woodlands to the west. Built development does not dominate these views.
4. The proposed development would comprise a detached two/three-bedroom bungalow within the rear garden of No 4, with pedestrian and vehicular access provided via a new driveway continuing from the existing driveway. No 4's existing flat-roofed garage would be removed to enable the driveway to serve both the existing and proposed development.

¹ APP/D3505/W/16/3145570, decision issued on 22 June 2016.

5. Policy CS2 of the Babergh Core Strategy and Policies 2014 (CSP) sets out the district's settlement pattern, defining Burstall as a Hinterland Village. It requires all proposals for housing development within Hinterland Villages to be assessed against Policy CS11 of the CSP. Furthermore, it states that in the countryside and outside the defined settlements, development will only be permitted in exceptional circumstances subject to a proven justifiable need. Policy CS11 confirms that developments must be able to demonstrate a close functional relationship with the existing settlement and must be well-designed and appropriate in size/scale, layout and character to its setting and to the village.
6. In their officer report, the Council indicates that No 4 and its neighbours on Kenney Close straddle the Built Up Area Boundary (BUAB) defined in the Babergh Local Plan (Alteration No. 2) 2006 (the Local Plan), with the proposed dwelling situated beyond this boundary within the countryside. With regard to the BUAB, I agree with the previous Inspector's findings that the rear garden of the properties form a seamless part of the residential properties and that the land beyond the BUAB within the rear garden of No 4 has a close functional relationship with the existing property and the overall settlement. As such, the main issue in this appeal, as for the previous appeal and as referred to above, is the effect of the proposed development on the character and appearance of the surrounding area.
7. The proposed development would be visible within the rear garden of No 4 from between the existing houses on the close itself, the public footpath to the east and the road leading to The Courts and Woodlands to the west.
8. Although the rear garden of No 4 is large enough to accommodate the proposed development and its ancillary domestic paraphernalia, the proposed development would substantially erode the space to the rear of No 4 between the existing house and Woodlands. By reducing the established gap between existing properties and introducing a significant level of built development into the garden space, this would reduce the spaciousness of their setting and would not relate well to the area's existing pattern of development.
9. The appellant has provided a certificate of lawfulness² relating to the erection of a domestic garage and ancillary domestic storage building with associated demolition of the existing garage and alterations to the existing driveway. This large garage and storage building would be considerably wider than the proposed development, but would be of the same depth (excluding the porch) and would be 1.4 metres shorter than the proposed development. The appellant may exercise permitted development rights and construct the garage/storage building, but I have limited evidence that they will do so. Even if they were to do so, the garage/storage building would be ancillary to the main house and would not have the same pattern of development as a separate dwelling with its associated parking, refuse storage and separate garden space. Furthermore, the certificate of lawfulness is not a sufficient justification for the proposed development to take place, which would cause harm to the character and appearance of the surrounding area.
10. I note that the appellant has sought to design and landscape the proposed development to reduce the effect on neighbours' living conditions and to respect the character and appearance of the surrounding area. The ridge height

² Reference B/16/01631, decision issued on 29 March 2017.

of the proposed development has also reduced by almost a metre from the height of the previous appeal scheme. Additionally, garages proposed in the previous scheme have been removed. While these changes have reduced the visibility of the proposed development, visibility is not the sole concern when assessing the effect of development on character and appearance. The development would be incongruous with the pattern of development in the area.

11. I conclude that the proposed development would cause material harm to the character and appearance of the area. This would be contrary to policies CS2, CS11 and CS15 of the CSP and saved policies CN01 and HS28 of the Local Plan. Policies CS2 and CS11 are discussed above. Policy CS15 requires developments to respect local context and character in providing sustainable development. Policy CN01 addresses the scale, form and nature of developments within their context, while policy HS28 deals with infilling. The proposal would also be contrary to the National Planning Policy Framework and the Planning Practice Guidance, which seek to ensure that development is of high quality design which responds to local character.

Conclusion

12. Although I note that the proposed development could provide a further housing unit within a sustainable location, this benefit does not outweigh the harm I have found in this instance. For the reasons given above and having taken all other matters into account, I conclude that this appeal should be dismissed.

J Gilbert
INSPECTOR