
Appeal Decision

Site visit made on 24 October 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 3rd November 2017

Appeal Ref: APP/D3505/W/17/3179236

Land adjacent Commodore, Barrow Hill, Acton CO10 0AR

- 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 T Smith against the decision of Babergh District Council.
 - The application Ref B/16/01405/FUL/MECO, dated 12 October 2016, was refused by notice dated 8 May 2017.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area including its effect on trees;
 - highway safety;
 - the living conditions of the occupants of No 5 Gotsfield Close (No 5) with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is a triangular plot positioned between two detached dwellings in an area characterised by a mix of semi-detached and detached dwellings set back from the road with spaces between them. These features together with, grass verges and mature trees give the area a spacious and verdant character and appearance.
4. I acknowledge that the proposed dwelling would incorporate traditional features reflecting the character of properties nearby. I note it has been designed to fit into the triangular plot. I also note Barrow Hill is not an area of sensitive townscape and the neighbouring properties do not have special architectural qualities.
5. However, whilst there would be space between the proposed dwelling and the neighbouring properties, it would be set deep into the plot directly adjacent to the rear plot boundary. Through its triangular form, its resulting awkward roof would contrast with the simple roofs of other properties nearby and draw attention to a dwelling which through the limited space around it would appear

cramped within its setting. Thus, the proposal would be in conflict with the spacious pattern of development in the area and would be an incongruous feature of the street scene.

6. With regard to the impact on trees. I have considered the Tree Survey and Constraints Plan and the appeal decision relating to tree works¹. However, I am satisfied that the proposed dwelling would be a sufficient distance away from the trees such that it could be constructed without harming trees.
7. However, the trees would be insufficient to screen the proposal which for the reasons given would be harmful to the spacious character and appearance of the area. It would therefore be in conflict with saved Policies H28 and CN01 of the Babergh Local Plan Alteration No 2 (2006) (LP) and Policies CS11 and CS15 of the Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) (CS) which aim to ensure good design and safeguard the character and appearance of an area.

Highway safety

8. Saved Policy TP15 of the LP states all types of new development will be required to provide parking in accordance with parking standards. The Suffolk Guidance for Parking (2015) (SGP) requires the proposed development to provide two off street car parking spaces whereas it would provide one.
9. The SGP makes clear that the parking requirements are minimum standards and that a reduction in the standards may be acceptable if the development has been designed to be exceptionally sustainable in transport terms.
10. I acknowledge that there are a number of services and facilities within a comfortable walking distance. However, those services do not include health care or secondary education and there are limited local employment opportunities. Whilst I note the bus stops nearby provide connections to Sudbury Town Centre, I find the proposed development would be in a rural location and there is nothing before me to indicate the appeal proposal is exceptional in sustainable transport terms.
11. In my view, the occupants of proposed dwelling, for convenience reasons and the need to access employment would rely on the private car for the majority of their journeys and there is no substantive evidence to suggest that the proposed three bed dwelling would not generate a demand for two parking spaces as required by the SPG.
12. That said, one of those parking spaces would need to be on street. Although parking on Barrow Hill is unrestricted and straight. It is relatively narrow and does not benefit from a public footpath at the point close to the appeal site. Thus, I find there are limited opportunities for safe on street parking without increasing the risk of vehicle collisions or obstructing pedestrians.
13. Furthermore, accessing the proposed off street parking space would require vehicles to move between two large trees. On the basis of the evidence before me, I am not satisfied that an acceptable level of visibility could be achieved as such had I been minded to allow the appeal it would not have been appropriate for me to deal with this matter through a planning condition.

¹ Appeal Reference APP/TPO/D3505/4842

14. I am therefore led to the conclusion that the proposal would harm highway safety in the area as a result of inadequate parking provision and visibility. It would therefore conflict with the aims of saved Policy TP15 of the LP which seeks to ensure that new development is served by appropriate parking provision and does not compromise highway safety.

Living conditions

15. I acknowledge that No 5 occupies a relatively large plot and its main front and rear elevations would not face the proposed dwelling. However, the proposed east elevation would be tall and wide extending a significant length of the shared boundary. In my view, through its scale and proximity it would have an enclosing effect and would be overbearing when viewed from the private open space of No 5 adjacent to it.
16. The proposed development would therefore be harmful to the living conditions of the occupiers of No 5 with particular regard to outlook. It would therefore be in conflict with saved Policy H28 of the LP which seeks to safeguard the amenities of nearby residents.

Other Matters

17. I note that a new family dwelling would be provided in a location which benefits from services and facilities and public transport connections to larger centres. I also note new residents would help to sustain local services, provide customers and employees to the benefit of the local economy and there would be economic benefits associated with construction.
18. I acknowledge that the Council is unable to demonstrate a five year housing land supply. However, the council does not object to the principle of development and I have found harm to the character and appearance of the area, highway safety and the living conditions of nearby residents. Whilst a new dwelling would make a minor contribution to meeting the housing shortfall even with the tilted balance engaged, the social and economic benefits are significantly and demonstrably outweighed by the environmental harm I have identified.

Conclusion

19. For the reasons given above, having had regard to all other matters raised, I conclude that the proposal would not accord with the development plan or the Framework and thus the appeal should be dismissed.

L Fleming

INSPECTOR