



Appeal Decision

Site visit made on 7 November 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: 30th November 2017

Appeal Ref: APP/W3520/W/17/3180029

The Cotswolds, Ixworth Road, Norton IP31 3LE

- 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 Samuel Desira against the decision of Mid Suffolk District Council.
 - The application Ref 0776/17, dated 24 February 2017, was refused by notice dated 3 May 2017.
 - The development proposed is erection of house to garden land to the front of The Cotswolds.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of house to garden land to the front of The Cotswolds at The Cotswolds, Ixworth Road, Norton IP31 3LE in accordance with the terms of the application, Ref 0776/17, dated 24 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 1374.
 - 3) Prior to first occupation of the dwelling hereby permitted, the existing vehicular access shall be improved, laid out and completed in accordance with DM01 and with an entrance width of 4.5m. Thereafter, the access shall be retained in the specified form.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) any means of frontage enclosure shall be set back 2.4 metres from the edge of the carriageway of the adjacent highway.

Main Issues

2. The main issues are the effect of the proposed development on (a) the character and appearance of the area and (b) the living conditions of occupiers of The Cotswolds with regard to outlook.

Reasons

Character and appearance

3. The appeal site is situated adjacent to Ixworth Road, the main north-south road through Norton, and forms part of the front garden to The Cotswolds. The

site comprises an area of rough grass with a mature hedgerow screening much of the site from the road and pavement.

4. Properties along Ixworth Road vary in terms of their set back from the road. On the eastern side of the road past the appeal site, they are set back by a reasonable distance with spacious front gardens, but there is no single building line. Further to the north and south on this side of the road, properties have much less set back. Opposite the appeal site on the western side of the road, the property known as Halfboys and two adjacent dwellings under construction as far north as The Old Smithy are positioned close to the road. As such, there is variety in terms of building lines and siting of dwellings relative to Ixworth Road.
5. The appeal site adjoins the village hall, car park and playing fields to the south and east, separated by a timber post and wire fence, recycling bins and a number of trees. The southern part of the appeal site lies within a Visually Important Open Space (VIOS) designated by the Mid Suffolk Local Plan 1998 ('the Local Plan'). The VIOS incorporates the entirety of the village hall, car park and playing fields and provides a sizeable gap in built development along this side of Ixworth Road. Policy SB3 of the Local Plan seeks to protect VIOS in terms of their contribution to the character or appearance of their surroundings and their amenity value to the local community. Paragraph 2.1.16 of the Local Plan sets out the VIOS objectives, which encompass conserving environmental features, protecting open spaces and preventing village cramming by excessive infilling.
6. The proposed development would result in a building closer to Ixworth Road than other properties along this side of the road in this part of the village. However, given the variation in building lines and the siting of dwellings, it would not be particularly incongruous. Furthermore, the existing mature hedgerow would help to screen part of the new dwelling from the road and pavement. It would be no more prominent in views along the road than Halfboys and the two adjacent dwellings under construction. The site is large enough to accommodate the dwelling and have sufficient garden space around it without causing an intensification of development.
7. Although part of the VIOS, the appeal site is very separate to the rest of it due to its secluded and largely hidden location in the north-west corner of the VIOS. The Council state that the site has become garden land over time without planning permission, although this does not raise an enforcement issue. Nevertheless, the site as I saw it forms part of the domestic garden to The Cotswolds, rather than part of the open space for the local community. As such, it makes little contribution to the character and appearance or amenity value of the VIOS. Therefore, the proposed development would have very little impact on the environmental features and open space qualities of the VIOS and would not result in village cramming by excessive infilling.
8. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policies GP1, SB2, SB3, H13, H15 and H16 of the Local Plan and Policy CS5 of the Mid Suffolk Core Strategy 2008. These policies require development to maintain the character and appearance of their surroundings, taking into account scale, siting, layout and landscaping, and avoid harmful effects on VIOS. The development would also meet the aims of the National

Planning Policy Framework (NPPF) in terms of responding to local character and reinforcing local distinctiveness.

Living conditions

9. The Cotswolds is a single storey property with a number of windows on the front elevation facing Ixworth Road. A line of trees are positioned to the south of the property along the boundary of the appeal site and the playing fields to the south. The appeal site is L-shaped and the proposed dwelling would be sited in the southern half of the site. Its front elevation would be roughly level with the line of trees. I note from the appellant's arboricultural impact assessment that these trees and other trees and hedges around the appeal site would be retained. Therefore, while the dwelling would be two storeys, its siting along with the screening provided by the line of trees would limit any negative visual effects on occupiers of The Cotswolds.
10. Consequently, there would be an acceptable effect on the living conditions of occupiers of The Cotswolds with regard to outlook. Thus, the development would accord with Policies SB2, H13 and H16 of the Local Plan which, amongst other things, seek to protect the amenity of neighbouring properties. It would also meet the aims of the NPPF in terms of ensuring a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

11. I note the planning history for The Cotswolds where proposals for a detached dwelling in the front garden were refused planning permission in 2006 and 2007. The 2007 proposal was located further to the north in front of The Cotswolds, so is significantly different to the appeal proposal. The 2006 proposal was located in a similar position to the appeal proposal and its reasons for refusal including character and appearance and the effect on the VIOS. However, I have assessed the appeal proposal based on the evidence before me and have concluded that it would have an acceptable effect on character and appearance and the VIOS. Thus, I give little weight to the Council's 2006 or 2007 decisions.
12. I also note concerns that the proposal could set a precedent for similar development in front gardens. However, every front garden along this section and side of Ixworth Road varies in shape, size and screening. Each proposal would need to be assessed on its own merits, including its effect on the character and appearance of the area and the living conditions of occupiers of existing properties. Thus, I am satisfied that this development does not set a precedent. Additionally, there is nothing to indicate that granting planning permission for this development would lead to proposals for further houses on the site. Any new proposal would need to be subject to a fresh application and considered on its own merits.
13. The plans indicate sufficient space in front of the property for the parking of two cars and improvements can be secured to the access onto the main road. My site visit revealed little evidence of drainage or sewerage problems and I have insufficient information on this to form a view.
14. The Council accepts that it cannot demonstrate a five year supply of housing land, which means that relevant policies for the supply of housing are out of date in accordance with paragraph 49 of the NPPF. Having had regard to

paragraph 14 of the NPPF as a consequence, there are no adverse impacts arising from this development that would significantly and demonstrably outweigh the benefits of providing an additional house to boost local supply.

Conditions

15. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plan are necessary for clarity and compliance. This would include materials and landscaping as specified on the plan. I have imposed two conditions relating to access and frontage enclosure which are necessary in the interests of highway safety.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR