
Appeal Decision

Site visit made on 11 June 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/W3520/W/19/3222498

Plots 8 & 9, Land off Cedars Close, Thurston IP31 3QS

- 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 P Kenyon against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/02805, dated 19 June 2018, was refused by notice dated 14 August 2018.
 - The development proposed is the erection of 2 detached dwellinghouses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has provided an amended plan as part of the appeal, which indicated the existing trees within the site with the root protection areas added (Ref 17/208-04revB). This has not been seen by the local planning authority (the LPA). However, as the plan does not change the nature of the proposed development before me, I am satisfied that having regard to it would not deprive those who may have been consulted on the plan the opportunity of such consultation.
3. The National Planning Policy Framework was revised in February 2019 (the revised Framework). I have taken the Framework into account as part of the determination of this appeal.
4. The LPA, with Babergh District Council, published a new Joint Local Plan Consultation Document in August 2017. I have not been provided with the full details of emerging policy. However, in the context of Paragraph 48 of the revised Framework, as an examination has not been arranged, this emerging policy would attract only limited weight in my consideration of the merits of this appeal. In particular, proposed policies and site allocations are not matters that have a significant bearing on my considerations in this case.
5. As part of my consideration of a current appeal within the same Parish¹, Thurston Parish Council suggested that the independent examination of the Thurston Neighbourhood Development Plan (NDP) had concluded and the final report had been issued by the Examiner. This is relevant to my consideration of this appeal. The main parties have had the opportunity to comment on any implications the NDP would have for this appeal.

¹ Appeal Reference APP/W3520/W/19/3225219 (Land at Poplar Farm Lane, Great Green)

6. In their evidence the LPA referred to protected trees within the appeal site and, at my request, subsequently provided a copy of the relevant Tree Preservation Order. As this did not form part of their initial evidence, I invited the appellant to comment on any implications that the Order may have for this appeal.
7. The reason for refusal incorrectly states Policies CL05 and CL06, it has been clarified that these references should be CL5 and CL6.

Main Issues

8. The main issues are:

- The effect of the development on the character and appearance of the area, including the loss of protected trees; and
- The effect of the development on the living conditions of existing and future occupants of Woodland House.

Reasons

Character and appearance

9. The appeal site is situated to the east of Cedars Close, a linear arrangement of several dwellings accessed from Ixworth Road. Whilst the dwellings vary in design, they are predominantly two-and-a-half storeys in height and have a frontage with the Close. Established landscaping within the site and to the extremities of Cedars Close, principally mature trees, gives rise to a verdant character. The landscaping intervenes in views towards the existing dwellings which are nestled within. Taken together these make a significantly positive contribution to the character and appearance of the area.
10. The proposals would be arranged perpendicular to the other dwellings situated in Cedars Close, in an uncharacteristic manner. This would jar with the linear grain of development that defines the character of this part of the settlement.
11. Trees located within and adjoining the site are subject of a Tree Preservation Order. I acknowledge the assessment undertaken in the appellant's Tree Report and find no reason to doubt its findings in relation to the life expectancy of the effected trees. For a large majority of the trees covered by the Order, this is in excess of the lifetime of the development. However, the report recommends that a substantial number of trees should be removed, particularly to the eastern boundary of the site. There are therefore conflicting approaches to the retention and removal of trees, with significant removal recommended in the report but not shown on the plans accompanying the appeal.
12. The trees are large and mature and those within the site are highly visible from the public footpath. They contribute significantly to the landscape value of the wider area. The loss of trees within this group would have a significantly detrimental effect upon the visual amenity of the area.
13. Notwithstanding the above, the density and spacing of the trees along the eastern boundary of the site would not screen the development to the extent it screens the existing built development in Cedars Close. I acknowledge that the appearance of the proposed dwellings has similarities with the architecture of the neighbouring development. Due to the layout and landscaping of the proposed dwellings within the site, the east facing façades of the dwellings

would be positioned alongside one another. Their external appearance would present as being rather stark when viewed from the north and east, particularly from the public footpath between Ixworth Road and Meadow Lane, which abuts the northern boundary of the site.

14. For the reasons outlined above, the development would have a significantly detrimental effect on the character and appearance of the area. It would not therefore accord with Policies CL5, CL6, GP1, H13, H15 and H16 of the Mid Suffolk Local Plan 1998 (the LP); and Policy CS5 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008 (the CS). Together these seek to ensure that new development complements and respects the pattern and form of development that informs the character and appearance of an area, including locally distinctive characteristics such as natural features. The development would also be contrary to Paragraph 170(b) which requires that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
15. I have not found against Policies CS1 and CS2 of the CS as they are strategic policies which refer to the location of development and that is not relevant to this main issue. Similarly, I have also not found against Paragraph 11 of the Framework, which refers to the presumption in favour of sustainable development, as this is not relevant to the consideration of the appeal.

Living conditions

16. The dwellings situated within Cedars Close are served by an unmade track and dwellings generally front this. Vehicles travelling in either direction therefore pass the front of the dwellings. Garden areas to the rear of the dwellings and rooms away from frontages are subsequently protected to a greater extent from noise or disturbance resulting from vehicles.
17. The proposals take access from an extension of this track between the side boundaries of Woodland House and 4 Cedars Close. The former incorporates a low wooden fence with mesh and the dwelling tapers away from the boundary. The latter is separated from the track by a higher close boarded fence and its garage.
18. Given the small number of properties the proposed access would serve, and due to the fact that it is common for roads to closely pass dwellings, the noise and disturbance would not be of an unusual level for a residential area.
19. For the reasons outlined above, I conclude that the proposed dwellings would not have a significant effect on the living conditions of the occupants of Woodland House. It would therefore accord with Policies H13 and H16 of the LP. Together these seek to ensure that new development does not materially and detrimentally effect residential areas.
20. Policies GP1 and H15 of the LP and Policy CS5 of the CS principally relate to the pattern and form of development, including access constraints, ensure that accesses do not result in harmful appearance and layout; and relate to the quality of design, including the character and appearance of the district. These are not therefore directly relevant to the assessment of the impact on the living conditions of neighbouring occupants.

Conclusion

21. For the above reasons, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR