



Appeal Decision

Site visit made on 19 June 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/E3525/W/19/3224245
18 Lancaster Close, Chedburgh, IP29 4UW

- 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 G Lebbon against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/18/1202/FUL, dated 20 June 2018, was refused by notice dated 7 September 2018.
 - The development proposed is a two storey detached house with integral garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to submission of the application and following revisions to the proposal that removed the garage the Council changed the description of development to "Planning Application - 1no. dwelling as amended by drawing nos. TL-4149-18-1A & 2A revising scale and siting of dwelling" and it is upon the basis of details shown on these drawings that I have considered this proposal.
3. Also following the Council's decision on the application, the appellant has submitted a Land Contamination Questionnaire and a certificate regarding land contamination issued by Argyll Environmental Ltd and the Council has had opportunity to comment on these.
4. At the time of my site visit works were taking place on the frontage of the host property, seemingly to create a new vehicular access that would provide a different access arrangement to that shown on the plans before me. I have determined this appeal on the basis of the submitted plans.
5. Since the Local Planning Authority issued their decision St Edmundsbury Borough Council and Forest Heath District Council have merged to form West Suffolk Council. West Suffolk Council is in the process of preparing a new Local Plan. However, this is at a very early stage and so I attach limited weight to this document.

Main Issues

6. The main issues are:-

- the effect of the proposal on the character and appearance of the appeal site and its surroundings,
- the effect of the proposal on the living conditions of the occupiers of 18 Lancaster Close with particular reference to enclosure, and: -
- The risk of pollution or risk to human health arising from the development with particular regard to contaminated land.

Reasons

7. The appeal site lies within an area of predominantly residential development within the village of Chedburgh. The nearby dwellings are a mix of one and two storey houses, predominantly semi-detached or in short terraces. Around the staggered junction of Lancaster Close and Majors Close with Chevington Road, the verges and set-back of the dwellings behind large front and side gardens provides a degree of spaciousness. Around the junction of Lancaster Close with Chevington Road the semi-detached bungalows are angled to frame this space. The appeal site makes a significant contribution to the sense of space around the junction. Where vehicular access is provided, generally each dwelling has its own dedicated access.
8. The proposed detached dwelling would subdivide the plot of 18 Lancaster Close and would introduce a two storey building in line with the end of the terrace formed by 1-5 Paddock Way, forward of the line formed by an extension of the frontages of 17 and 18 Lancaster Close. The gable wall of the proposed dwelling, alleviated only by a single window placed on the second floor towards the rear of the wall, would be well forward of No 18 and prominent for anyone travelling into the village along Chevington Road, or for anyone approaching Chevington Road on Major's Close or Lancaster Close.
9. The proposed development would share an access with the existing dwelling. This would create a front garden for the dwelling dominated by the access for the existing dwelling, creating an incongruous shared area and resulting in a many-sided boundary between the proposed development and the host dwelling, appearing contrived and incongruous when compared to gardens in the surrounding area.
10. Given the importance that I have placed upon the rhythm of the street frontages created by the pairs of semi-detached properties and short terraces and the spaciousness and framing of the staggered tee junction to the character and appearance of the area, the break in this rhythm and the reduction in openness would be out of character and incongruous with the form of existing development when viewed from the street. Further, the position of the proposed dwelling forward of the frontage line formed by Nos 17 and 18 would create a discordant relationship between the buildings. In this particular context that lack of conformity would be so significant as to amount to harm.
11. I conclude that the development would result in significant harm to the character and appearance of the appeal site and its surroundings, contrary to Policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document -2015- (the DMPD). These

policies seek, amongst other things, to ensure that development maintains or creates a sense of place and/or local character and does not involve the loss of gardens which make a significant contribution to the character and appearance of a settlement. Similarly the proposal would be contrary to Policy CS3 of the St Edmundsbury Core Strategy -2010- (the Core Strategy) in as much as the proposal fails create and contribute to a high quality environment and fails to demonstrate an understanding of the local context. For similar reasons the proposal is contrary to the aims of Paragraph 127 of the National Planning Policy Framework (the Framework) in as much as the proposal is not sympathetic to local character, including the surrounding built environment.

Living conditions

12. There is a considerable gap between No 18 and 1 Paddock Way and this distance provides a degree of openness for anyone in the rear garden of No 18 or the land to the side, which is currently occupied by a car port.
13. The proposal would introduce a two storey dwelling with a pitched roof in line with No 1, significantly forward of No 18. There are no windows on the gable end of No 18. However, anyone standing in vicinity of the sideway of No 18 would experience an increased sense of enclosure. Nonetheless, the area affected by the increased sense of enclosure is a passageway in which the occupiers of No 18 would be unlikely to spend a significant period of time and so, in this particular case, I do not consider the increased sense of enclosure to be so significant as to constitute harm.
14. I therefore conclude that the proposed development would not have an unacceptable effect on the living conditions of the occupiers of 18 Lancaster Close. Therefore, the proposal is not in conflict with the aims of Policy DM2 of the DMPD, in as much as the proposed development does not adversely affect residential amenity.

Contamination

15. From the evidence before me I have no reason to consider that there is a significant risk of contamination within the site and the Council has provided no evidence as to why, in principle, a residential development could not be acceptable and, with the benefit of conditions, should I be minded to allow the appeal, development would be precluded.
16. I conclude that the development would be unlikely to present a high risk of pollution or risk to human health with particular regard to contaminated land and that any risks associated with the development of the site could be adequately controlled through the imposition of planning conditions. The development is therefore in accordance with Policy DM14 of the DMP and Policy CS2 of the Core Strategy, which together, amongst other things, require that the sustainable design of the built environment includes remedying existing contaminated land and ensuring that new development is not permitted on land which is known to be affected by contamination, requiring submission of an appropriate assessment of risk prior to or as part of a planning application. Similarly the proposal is in accordance with the aims of Paragraph 178 of the Framework that seeks to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

Other Matters

17. It is proposed that the development would be designed to incorporate energy efficient features. However, I am not persuaded on the basis of the evidence before me that the dwelling would necessarily be outstanding or innovative in terms of these aspects of its design and levels of sustainability, and consequently would not represent the circumstances where the Framework considers that great weight should be afforded to such design. In any case, the Framework requires that even in such cases the development must fit in with the overall form and layout of its surroundings, which, in this instance, I have not found to be the case.
18. The proposed development would contribute an additional dwelling to supplement the housing stock, However, no specific need for an additional dwelling in this location has been demonstrated. Overall, I do not consider that these benefits would outweigh the harm that I have identified to the character and appearance of the appeal site and its surroundings and so does not alter my overall conclusion.

Conclusion

19. Whilst I have found no harm to the living conditions of occupiers of No 18 or contamination, I have found harm in respect of the character and appearance of the appeal site and its surroundings. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR