
Appeal Decision

Site visit made on 6 June 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/J3530/W/19/3220397
Street Record, Melton Hill, Melton IP12 1AY

- 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 Chris Wakefield of Park Properties Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref DC/18/3914/FUL, dated 11 September 2018, was refused by notice dated 20 December 2018.
 - The development proposed is described as, 'proposal for new parking court to allow for 12no. Gargages'.
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Decision

1. The appeal is allowed and planning permission is granted for new parking court to allow for 12no. garages at Land Bordered by Melton Hill & Old Maltings Approach, Melton, Woodbridge IP12 1AY in accordance with the terms of the application, Ref DC/18/3914/FUL, dated 11 September 2018, subject to the attached Schedule of Conditions.

Procedural Matters

2. The description of development includes a typographical error that is correct in the appeal form and decision notice. I have therefore used the correct spelling of 'garages' in the decision above. While the application form stated the site address as Street Record, the appellant since confirmed that the site address and I have therefore used this address in the decision above.
3. I note that Suffolk Coastal District Council (SCDC) and Waveney District Council have been superseded by East Suffolk Council since the application was determined. However, since the application was determined by SCDC, I have not amended the council name in the header above.
4. I note that during the course of the application, the design of the proposal was amended and updated drawings were submitted to the Council, upon which it determined the application. I have therefore assessed this appeal on the basis of the updated drawing numbers 0180 1001A, 0180 1002C and 0180 1003C.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area and
 - car parking provision in the local area.

Reasons

Character and appearance

6. The appeal site is undeveloped and is mainly grassed with some trees and hedgerow and lies at the corner of Melton Hill and Old Maltings Approach in a primarily residential area. The surrounding properties are two storey and traditional in style and there are tall hedgerow and trees adjacent to Melton Hill on the opposite side of the road to the appeal site that gives the area green and attractive feel.
7. The proposal would involve the erection of 12 single storey garages with pitched roofs and brick walls. The site slopes down significantly away from Melton Hill. Since the proposal would be accessed from the lower part of the site and would be set into the slope, it would have a limited effect on the street scene of Melton Hill and from the evidence before me, it is likely that the proposed garaged would be largely obscured from Melton Hill by existing hedgerow that is proposed to be retained.
8. I note that the proposal would have a greater effect when viewed from the proposed entrance to the site at the lower part of Old Maltings Approach and that it would involve development on an undeveloped site. However, since there are existing two-storey residential buildings opposite the proposed entrance to the site, the single storey form with pitched roof and brick walls together with the proposed hedge would be in harmony with the character and appearance of the area. Given the single-storey scale of the proposal and the distance between the two sets of garages, the scheme would not result in an unduly dark and unattractive space.
9. I note an extant planning permission for the site which would consist of a parking court with 16 parking spaces. While the use of the site is similar to the proposed scheme, there can be no certainty that that permission would be implemented. That scheme would occupy a similar floor area to the proposed development and would not have any structures obscuring the views of the parked cars. Although the proposed development would have a greater effect in terms of built development, since it would be single storey and the parked cars would be within brick garages, the appeal scheme would be more in keeping with the character and appearance of the area than the extant permission.
10. Consequently, the proposal would not harm the character and appearance of the area and would accord with Policy SP15 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document July 2013 (LP) which seek developments that protect and enhance the various landscape character areas within the district. It would also accord with LP Policy DM21 which does not permit developments that comprise poor visual design and layout or otherwise seriously detract from the character of their surroundings. It would also accord with the National Planning Policy Framework (Framework) in this regard.

Car parking provision in the local area

11. The Council state that the extant planning permission would be of benefit to local residents from a car parking point of view. However, I have not been provided with any objective evidence to demonstrate that there is an existing

car parking demand issue in the immediate area. In any event, there can be no guarantee that the extant planning permission would be implemented. I have determined this appeal on its individual planning merits and the site does not currently function as an area to park vehicles.

12. The proposal would result in additional parking in the area in the form of garages. There is no policy before me that indicates that the land must be used for parking purposes, although I do not doubt that the garaging would be a useful facility for the local population or others.
13. From the evidence before me, and for the reasons outlined above, I do not consider that the proposal would have a significantly detrimental impact upon levels of car parking provision in the locality. In this regard, I do not find any conflict with the car parking, highway safety or living conditions aims of the Framework.

Other Matters

14. I acknowledge the evidence regarding the trees near the site including those subject to Tree Preservation Orders (TPO). However, I am satisfied given the distance between the proposed development and the trees that the development would not have a significant impact on them.
15. I acknowledge local concerns regarding the trees along the southern boundary of the site. Given the other trees in the area and on the site which are proposed to be retained, and that these trees are not subject to TPOs, the loss of the trees along the southern border would not adversely affect the character and appearance of the area and this point has not altered my conclusions on the main issues. I have no evidence to suggest that my decision would prejudice or interfere with private property rights.
16. I acknowledge other concerns including potential change of use in the future. However, each case must be determined on its own individual planning merits.
17. I also note concerns regarding highways safety, however the Highway Authority has not objected to the proposal and from the evidence before me I see no reason to disagree.
18. I recognise concerns including the provision of electric charging points, effect on the sewer, CO₂ emissions, illegal parking in the area and the effect on light and air pollution. However, these do not outweigh or alter my conclusions on the main issues.
19. Policy MEL17 of the Melton Neighbourhood Plan 2016-2030 Made Version January 2018 and

Conditions

20. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in paragraph 55 of the National Planning Policy Framework and the guidance contained in the Planning Practice Guidance. I have amended some of the wording of the conditions in the interests of precision and clarity.
21. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the approved

- plans. This is in the interest of certainty and to safeguard the character and appearance of the area.
22. Conditions relating to the proposed external materials and to landscaping is also necessary to safeguard the character and appearance of the area. Since landscaping works are likely to affect works to be carried out early in the construction phase, this condition needs to be pre-commencement.
23. The suggested condition requiring the garages to be used and retained in a manner capable of parking and storing motor vehicles would be unlikely to be enforceable and given that the garages would be secure, would not be necessary to make the development acceptable in planning terms. The suggested condition has therefore not been attached. A suggested condition relating to a Management Plan would also not be necessary and has not been attached.
24. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has confirmed that they agree to the listed pre-commencement condition.

Conclusion

25. For all the reasons given above, I conclude that the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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 plans: 0180 1001A, 0180 1002C and 0180 1003C.
- 3) No development above ground shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END OF SCHEDULE