

Appeal Decision

Site visit made on 18 June 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/W3520/W/19/3223332

24 Broke Avenue, Bramford IP8 4HG

- 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 & Mrs P Lyon against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/05191, dated 23 November 2018, was refused by notice dated 18 January 2019.
 - The development proposed is severance of part garden, demolition of detached garage and erection of a single storey 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 appeal site and street scene;
 - whether adequate external amenity space would be provided for occupants of the new dwelling; and
 - the effect on highway safety.

Reasons

Character and Appearance

3. The appeal site comprises the curtilage of No 24 Broke Avenue, a detached bungalow with a garage adjoining that of its neighbour. The surrounding area is predominantly residential and also includes mainly single storey dwellings as well as some two storey properties. No 24 is positioned on a corner plot, next to the junction of Broke Avenue with Leggatt Drive. The new dwelling would be sited in No 24's garden to the side of the existing dwelling.
 4. Properties along Broke Avenue display a strong degree of uniformity in their character, appearance and layout. The dwellings are laid out in traditional plan form on a consistent building line fronting the road. No 24's position on a corner plot results in it having an angled side boundary, with a wider than usual rear boundary. The size and shape of the plot is mirrored on the opposite side of the junction, reflecting the general uniformity in the area.
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5. The proposed dwelling would be set back from the consistent front building line to take advantage of the wider plot to the rear. As such, its layout and position would be uncharacteristic and incongruous in the otherwise uniform setting of properties with the same plot sizes and a consistent front building line. Its greater width than existing properties would result in its side elevations being close to the boundary on either side. This would be readily apparent in views from the street, from which the site would have a cramped and overdeveloped appearance reflecting the limitations of the site's size. Furthermore, the position so close to the boundaries would contrast unfavourably with the uniform spacing of dwellings along the road and the open aspect to the side of the dwelling opposite on the other side of the junction, which are characteristic of the original design and planned layout of the established dwellings.
6. The appellant refers to a number of other examples of residential development on corner plots that, it is contended, reflect a similar layout to that proposed here. However, these do not form part of the same street scene as the appeal proposal and, therefore, cannot be viewed as directly comparable. Moreover, I have considered the proposal on its merits and found that it would result in material harm in this particular setting. As such, I give these other examples limited weight.
7. Accordingly, for the above reasons, I conclude that the proposed development of a dwelling in this location would have an unacceptably harmful effect on the character and appearance of the appeal site and street scene. Consequently, the proposal is contrary to Policies GP1, H15, H16 and SB2 of the Mid Suffolk Local Plan, all of which include the requirement that development should respect the character and appearance of its surroundings. These policies are consistent with the National Planning Policy Framework (the Framework), particularly section twelve concerning well-designed places, and therefore I find that the proposal is in conflict with the Framework also.

Amenity Space

8. The main area of private amenity space would be materially smaller than that available to residents of other dwellings along Broke Avenue. However, I accept the appellants' argument that in the absence of any specific space standards, this area would be useable and would serve its intended purpose. However, the uncharacteristic extent of the amenity space is further evidence with regard to the first main issue that the proposal would be prominent and incongruous in the otherwise uniform setting.
9. Therefore, while I do not find against the proposal with regard to the specific issue of whether the amenity space would be useable, I consider that the limited size of the plot, reflected in the reduced extent of amenity space, adds further weight to my conclusion on the first main issue and the conflict with the relevant development plan policies referred to above.

Highway Safety

10. Two tandem parking spaces are proposed with a new dropped kerb to enable access to and from Broke Avenue. While this kerb would be closer to the junction with Leggatt Drive than others along the road, visibility at the junction is good and vehicle speeds are slow on these residential roads. Moreover, there are no parking restrictions in this part of Broke Avenue or Leggatt Drive

and, therefore, the limited loss of kerbside for the dropped kerb would not be harmful in this respect.

11. The tandem parking arrangements proposed appear to be a common feature at a number of neighbouring properties. As such, the use of these spaces would not be uncharacteristic and the requirement to reverse onto the road is also a common occurrence along the road from either single or tandem spaces. I can find no basis to suggest that the parking arrangements proposed would make pedestrian access to the new dwelling problematic or that the positioning of refuse bins for collection would result in material harm compared to the arrangements for established dwellings.
12. Therefore, taking these findings as a whole, I conclude that the proposed parking arrangements for the dwelling would not be harmful and so there is no conflict with Policies T9 and T10 of the Local Plan, concerning parking standards and considerations in new development; or with Local Plan Policy GP1 concerning design and layout, which includes the requirement that proposals should include appropriate parking arrangements.

Other Matters

13. I have had regard to all the representations made by interested parties. These do not, however, raise any additional matters to the main issues in this appeal that would lead me to reach a different overall conclusion.
14. The appellants assert in their supporting statement that the Council cannot demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework¹. This includes by reference to an appeal decision², although it is unclear whether this still reflects the Council's current position on this matter. However, for the avoidance of doubt, I have considered the proposed development against the provisions of paragraph 11d) ii. of the Framework. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
15. Although the proposal would provide an additional dwelling, would provide some economic benefits from its construction, would support local services and employment, and would provide opportunities for walking and cycling to services and facilities, it would also have an unacceptably harmful effect on the character and appearance of the appeal site and street scene. Consequently, it is contrary to a number of Local Plan policies and section 12 of the Framework. I consider that such an adverse impact would significantly and demonstrably outweigh the benefits of this proposal, as assessed against the Framework as a whole. Hence the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, does not apply.

Conclusion

16. I have found in the appellant's favour with regard to two main issues, concerning amenity space and highway safety. However, this is not sufficient

¹ Paragraph 73.

² APP/W3520/W/18/3194926 dated 28 September 2018.

to outweigh the unacceptable harm that has been found with regard to the effect on character and appearance, and the conflict with the development plan and the Framework. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR