



Appeal Decision

Site visit made on 8 July 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/T3535/W/19/3221413

Land opposite Hathway House and Blything View, The Street, Rumburgh, Suffolk, IP19 0JX

- 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 Mark Berry against the decision of Waveney District Council.
 - The application Ref DC/18/4257/FUL, dated 14 October 2018, was refused by notice dated 3 December 2018.
 - The development proposed is construction of 4 bedroom bungalow and garages.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues in this case are i) the suitability of the appeal site's location for a new dwelling; ii) the design of the proposed bungalow; and iii) the effect on the living conditions of neighbouring occupiers.

Reasons

Development plan policies

3. At the time that the appeal proposal was refused, the development plan consisted of the Waveney Core Strategy (Adopted January 2009) and the Waveney Development Management Policies (Adopted January 2011). Since then the East Suffolk Council: Waveney Local Plan, covering the former Waveney District Council area, which had been going through the examination process, has been adopted (20 March 2019). This is therefore the current development plan document against which the development proposals should be judged.
4. In many respect the policies of Waverley Local Plan 2019 (the WLP) have the same aims and intentions as those that were referred to in the decision notice. However, because the 2009 and 2011 documents were more than 5 years old, they had to be considered out of date. WLP carries full force as an up-to-date plan that must be considered to be fully in accord with the governments polices as set out in the National Planning Policy Framework (the Framework).
5. The relevant policies of WLP are Policies WLP1.1 – 'Scale and Location of Growth', WLP1.2 – 'Settlement Boundaries', WLP7.1 – 'Rural Settlement Hierarchy and Housing Growth', WLP8.7 – 'Small Scale Residential

Development in the Countryside' and WLP8.29 – 'Design'. In essence these policies aim to provide a strategy to ensure that development is guided to sustainable locations – that is, where people have good and easy access to services and facilities such as shops, schools, jobs, health services, etc, whilst minimising reliance of private motor vehicles. This is done by providing for most development in the major towns whilst providing opportunities for some development in villages and the rural areas. This distribution is largely controlled by allocating sites for development and by the use of settlement boundaries around towns and villages.

6. Beyond settlement boundaries, development opportunities for new housing are limited to the exceptions provided by Policy WLP8.7, which states that "*Outside of the settlement boundaries small scale residential development in the Countryside of up to three dwellings will be permitted where:*
 - *The site constitutes a clearly identifiable gap within a built up area of a settlement within the Countryside;*
 - *There are existing residential properties on two sides of the site;*
 - *and the development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site*".
7. Rumburgh has a settlement boundary defined in the Local Plan and a site allocated for housing. Whilst the appeal proposal meets the opening criterion of Policy WLP8.7 of 'up to 3 dwellings', the site is not situated within the settlement boundary, or in the site that has been allocated. Nor does it meet the requirements for small-scale development provided for by the policy: it is not within a clearly identifiable gap within a built up area, it does not have existing residential development on 2 sides, and it would extend further into the undeveloped countryside than the existing extent of the built up area. The appeal proposal therefore stands in contravention of the relevant policies of WLP, which must be afforded significant weight.

The design of the proposed bungalow

8. Policy WLP8.29 – 'Design' states, among other things, that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. This policy is fully in accord with section 12 of the government's latest version of the Framework dated February 2019. In this case it has to be accepted that development in this part of the village does not provide much in the way of local distinctiveness. However, that does not mean that poor design in new development should be accepted.
9. As an indication of the perceived failings of the bungalow proposed in this appeal, it does not respect the general form of development in the village, which is largely frontage development to the street, with a clear approach to the principal entrance. In addition it has poor form in terms of its massing, with windows that are ill-proportioned, and a gable on the west elevation that is not subservient to the main roof and which itself is unduly dominant in the total composition. In addition, there is a conservatory that is tacked onto the east elevation that has not a satisfactory relationship nor integration with the design of the main structure. I consider that the appeal proposal does not amount to high quality design required by policy. Part of good design is also about the relationship with neighbouring development, which I deal under the next issue

The effect on the living conditions of neighbouring occupiers

10. The long drive that would take vehicles to the development, which passes close to the rear elevations and private gardens of neighbouring dwellings, is a likely source of harm to the living conditions that they should reasonably expect. The fact that the drive is proposed to have a gravel surface, which inevitably would be noisy, exacerbates the situation. The latter element could be dealt with by a condition, but that would still leave a situation where undue noise and disturbance to noise sensitive elements of neighbouring dwellings would be likely, the 4 bay garaging proposed suggesting that this could be more than a minor infringement on their living conditions.

Other matters

In its appeal statement, the Council raises the issue of the need to undertake an Appropriate Assessment of the development under the Habitat Regulations, if I were minded to allow the appeal. In view of the conclusion that I have reached, this will not be necessary. I have taken account of all other matters raised, but none amount to a consideration that would justify a different conclusion.

Conclusion

11. I have concluded that the appeal proposal is not in a location that is acceptable for a new dwelling, in contravention of the relevant policies of WLP that I have dealt with above. The WLP is of recent adoption, and its policies must be afforded substantial weight. In addition the proposed dwelling does not meet the required standard of high quality design and would be harmful to the living conditions of neighbouring residential occupiers. I therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR