



Appeal Decision

Site visit made on 23 July 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/E3525/W/19/3223751

Prince of Wales Close, Bury St. Edmunds, Suffolk, IP33 3SH

- 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 Baker Project Management Ltd. against the decision of St Edmundsbury Borough Council.
 - The application Ref: DC/18/0900/FUL dated 4 May 2018, was refused by notice dated 10 December 2018.
 - The development proposed is a one bedroom flat and cart lodge over existing car spaces with one additional car space proposed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and,
 - The effect of the proposed development upon the living conditions of the occupants of Nos. 19 – 27 Westley Road, with reference to loss of light, outlook and overbearing to the rear amenity areas.

Procedural Matters

3. In the Council's reason for refusal it sets out concerns about the living conditions of residential properties to the west of the site. Having considered the likely impacts of the proposed development, I have taken these properties to be Nos. 19 – 27 Westley Road.

Reasons

Character and appearance

4. The appeal site currently encompasses parking spaces that form part of an irregularly shaped parking and circulation area associated with flats in Prince of Wales Close. It is also used to access the rear of properties on adjoining roads (York Road and Westley Road) and is bound on two sides by those rear gardens. Although not visible from the main thoroughfares, proximity and land levels result in the appeal site being prominent from several dwellings and within the wider parking and circulation area.

5. Existing dwellings visible from the appeal site along York Road and Westley Road have similar building lines and styles, being either terraced or having small gaps between, giving them a strong sense of rhythm and coherency. Whilst the flats in Prince of Wales Close do not have the same linear building lines, they appear well related, being part of a comprehensively planned development, thus resulting in a strong sense of coherency.
6. The proposed development would be sited as a single isolated building without a close relationship to surrounding development. The location and positioning of the proposed building would not align satisfactorily with any existing nearby building lines and therefore it would appear awkward and poorly related to surrounding development, with a detrimental enclosing effect on the service area. This would be harmful at odds with the established character and appearance of the area.
7. The buildings to which the site most closely relates are not detached dwellings, or of a cart lodge style, are generally brick built and do not display the pitched/gabled style dormer windows. Therefore, whilst the design and materials may be reflective of cart lodges more widely, the proposed boarding and dormer windows would further set the building apart from the surrounding character, exacerbating its incongruous appearance.
8. A cart lodge style building was approved in a parking area north of Prince of Wales Close (permission Ref: DC/16/1829/FUL). From the details before me, I consider that development is set in a considerably different context, with a different alignment to and relationship to surrounding buildings. Accordingly, the approval of that building does not justify the current proposal.
9. The proposed development would result in a more efficient use of land as encouraged by the National Planning Policy Framework (the Framework). However, it would do so in a way that would harm the character and appearance of the area and therefore is not a determinative point in favour of the proposal. Substantive evidence has not been submitted to suggest the proposal would promote high levels of sustainability in its form and construction or that flats over garages are an innovative form of development.
10. In conclusion, the proposal would significantly harm the character and appearance of the area. Therefore, it would be contrary to Policies CS2 and CS3 of the St Edmundsbury Core Strategy Local Development Framework (2010) (the SCS) and Policies DM2 and DM22 of the Forest Heath & St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (JDMPD). Amongst other things, these policies require development is designed to achieve a high-quality environment, makes a positive contribution to and respects character and layout of a locality. These policies are consistent with paragraph 127 of the Framework, which expects new development to be sympathetic to and maintain local character and add to the quality of an area.

Living conditions

11. The length of the back gardens of Nos. 19 – 25 Westley Road are around 19 metres, and the proposed building would measure around 7.7 metres high by 13.5 metres wide. The height, roof design and orientation of the development, and the length and orientation of the back gardens, is such that the proposal would not breach the 25-degree angle line and the roof would pitch away from the boundary. Therefore, there would not be harm in respect of loss of

daylight, outlook or overbearing. The development would be more apparent further along the garden/amenity areas towards the building, but this arrangement is not an uncommon form of residential layout.

12. In conclusion, the proposal would not harm the living conditions of the occupants of Nos. 19 – 27 Westley Road with reference to loss of light, outlook and overbearing. Consequently, conflict with Policy DM2 of the JDMPD would not occur.

Other Matters

13. I am aware that the proposal was refused by the Development Control Committee, notwithstanding an officer recommendation to approve the application. I have noted the contents of that report, in my assessment of the proposal but I have come to my own conclusions for the reasons given.
14. A number of representations have been submitted to the planning application and this appeal raising a variety of matters. Whilst I have considered the various matters raised, including the operation of the parking area, access, and privacy, due to the clear harm found in respect of the first main issue above, I have not pursued these matters further.

Planning Balance

15. The proposed development would result in the provision of a new dwelling in a sustainable location well placed for services and facilities. There would be a modest temporary economic benefit to the construction industry and once built a minor sustained benefit to the local economy from the spend of future occupants. There would be a very modest benefit to the aims of supporting strong, vibrant and healthy communities through the supply of a single dwelling. However, in this instance the significant adverse impacts to the character and appearance of the area, would outweigh the modest benefits of the development.

Conclusions

16. The proposed development would preserve the living conditions of neighbours, but this would be outweighed by the significant harm that would occur to the character and appearance of the area. Therefore, the proposal would not accord with the development plan when taken as a whole. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR