



Appeal Decision

Site visit made on 17 September 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/J3530/W/19/3225913

Abbey Farm Bungalow, The Street, Snape IP17 1SJ

- 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 Paul Fielding against the decision of Suffolk Coastal District Council.
 - The application Ref DC/18/5088/FUL, dated 11 December 2018, was refused by notice dated 5 March 2019.
 - The development proposed is described as "New dwelling and garage on land to the rear of Abbey Farm Bungalow."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Councils decision notice refers to a number of policies from the Suffolk Coastal Local Plan Final Draft 2019. This Plan has not been adopted and I therefore attach limited weight to the policies of this document.

Main Issues

3. The main issues are the effect of the proposal on the rural character of the area; the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regards to privacy, light and outlook; and the effect of the proposal on European Designated Sites.

Reasons

Rural character

4. The appeal site is located to the south of Abbey Farm Bungalow (AFB) and also includes land to the west which would accommodate the proposed access. The pattern of development within the immediate area is characterised by a tight knit arrangement of residential properties. AFB and its garden forms the boundary of the built development with rural countryside located beyond.
5. The proposed property would be located within the garden area of AFB and, given its proximity to existing buildings, would not appear out of keeping with the dense arrangement of the built form in the area. The proposed property would not have an adverse effect on the character and appearance of the surrounding area.

6. Land to the west of AFB, which forms part of the appeal site, would be used for the proposed access to the new property. This area of land is agricultural in character. There is a clear boundary between this land and AFB which includes a row of indigenous hedgerow that form a visible distinction from the built form of the settlement and the rural countryside. The introduction of a residential access would be an encroachment into the rural countryside that would have an adverse effect on the character of the area.
7. The use of Ecodeck Earth-Press Grass Grids, which has been described as being common in the use for car parks and rural businesses, would minimise the visual appearance of the access track and it is noted that the rest of the land would remain as grass. However, the character of this land would be fundamentally altered, as the access would be used by vehicles associated with the residential property. The proposed access would introduce a feature that would be residential in character and would be detrimental to the rural form of the land.
8. Around five metres of the access is hard surfaced, which from the evidence before me appears to be a lawful operation. This existing hard surfaced area is only a small section of the overall proposed access and appears as an agricultural field access which is not out of place in a rural setting.
9. The appellant indicates that there is no intention to introduce lighting into the area where the access is proposed. The Councils Highways Officer has not requested any lighting and I do not consider that there would be any requirement for lighting an access for one residential property. I also note that the appellant considers that the proposed access would not have an adverse effect in terms of noise. These matters however, would not outweigh the harm I have found above with regards to the adverse effect on the rural character of the area.
10. Whilst I find that the proposed property would blend in with the existing built form, the proposed access would be an encroachment into the countryside that would harmfully affect the rural character of the area. The proposal would not be in accordance with Policy SP15 of the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013 (DPD) which seeks to enhance and preserve landscape value and character.

Living conditions

11. The proposal would be a modest property that would be sensitive in scale and height and not appear as a dominating feature from neighbouring properties and gardens. There would be significant separation distance between the proposal and neighbouring properties to ensure that there would be no adverse overbearing effects.
12. During my site visit, I viewed the site from the neighbouring gardens of Old Post Office House and Crown View. I have also had regard to comments made by neighbouring occupiers including that the rear gardens of the neighbouring properties are used on a regular basis. However, given the orientation of the properties and the siting of the proposed dwelling, and taking into account site levels, the proposal would not have a detrimental effect on the living conditions of neighbouring occupiers in terms of loss of light, overshadowing or outlook. The position of the windows and the rooflights in the proposed property and

taking into account the orientation of the neighbouring properties and distance from the proposal, would ensure that there would be no adverse effects on neighbouring occupiers in terms of privacy.

13. Concerns have been raised regarding noise and disturbance during construction phase of the proposed development. The construction of a single dwelling would only be for a limited time and is unlikely to cause significant disturbance that would adversely affect the living conditions of neighbouring occupiers. It has also been indicated that the submitted site location plan is inaccurate, and the plans are misleading. I have no substantive evidence before me to suggest that the submitted plans are not a true reflection of the proposals and I have assessed the appeal on that basis.
14. For the reasons given above, I find that the proposal would not harm the living condition of occupiers of neighbouring properties with particular regard to privacy, light and outlook. The proposal would be in accordance with Policy DM23 of the DPD which seeks development to be acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.
15. Whilst I have found that the proposal would not harm the living condition of neighbouring occupiers this would not outweigh the harm I have identified with regards to rural character.

European Designated Site

16. The site is located within the 13km protection zone of European Protected sites Sandlings Special Protection Area, the Alde-Ore Estuary Special Protection Area and Ramsar site, and the Deben Estuary Special Protection Area and Ramsar site. As such, the development was considered to have an adverse effect on these sites. The Council have indicated in their statement of case, that since the submission of the appeal a financial contribution has been secured to mitigate against any adverse effects to these sites. Nevertheless, given my findings in relation to rural character, it is not necessary to consider this matter further.

Other matters

17. The proposed development would contribute to housing supply and the social and economic vitality of the settlement. The appellant also considers that biodiversity would be enhanced, particularly due to the planting of the indigenous hedgerow. These matters however, would not outweigh the harm I have identified to the rural character of the area.
18. I have had regard to the appellants statement of case including the previous refused scheme¹. The schemes are significantly different, particularly regarding the location of the access, and I do not consider the previous scheme is directly comparable to the proposal subject of this appeal. I also note comments made regarding pre-application advice, this however does not alter my findings detailed above.
19. Comments from a local resident state that the proposal would have an effect on a Conservation Area and nearby listed building. The Council have not detailed any concerns with regards to effects on a Conservation Area or a listed

¹ Local Planning Authority Reference: DC/16/4486/FUL

building. In any case, this does not alter my findings in respect of the main issues.

Conclusion

20. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR