
Appeal Decision

Site visit made on 10 October 2019

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

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 30 October 2019

Appeal Ref: APP/J3530/W/19/3231801
25 Bullards Lane, Woodbridge IP12 4HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ralph Barnard of Francis Investments (East Anglia) Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref DC/19/0423/OUT, dated 14 January 2019, was refused by notice dated 22 March 2019.
 - The development proposed is severance of garden and erection of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with access and layout sought for approval. I have therefore assessed the appeal on this basis.
3. I note the Suffolk Coastal Local Plan Final Draft Plan January 2019, however, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issues

4. The main issues are:
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook, private amenity space and noise;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the Deben Estuary SPA/Ramsar Site; and the Stour and Orwell Estuaries SPA/Ramsar Site.

Reasons

Living environment

5. The proposed house would be a modest distance from the rear of the proposed bungalow. A parking area would also be situated to the rear of the proposed bungalow with a wall of unspecified height.

6. The Planning Practice Guidance (PPG) defines layout as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. Given the area of the proposed house and the footprint indicated on the proposed site layout plan, it is likely that the house would be two storeys high. However, since scale is a matter for future consideration, the height of the building may be determined at a later date.
7. In terms of layout, the flank wall of the proposed house would be roughly 11m from the proposed bungalow and it would extend across most of the width of the rear garden of plot 2. Even if the proposed house was single storey, it would be likely to protrude significantly above any boundary fence between the proposed two plots. This would appear overly dominant and overbearing from the rear garden and rear windows of plot 2.
8. While there may be other properties on Bullards Lane with rear gardens of modest depth, they generally back onto other rear gardens rather than built development as would be in this case. I also acknowledge that there may be other properties in close proximity to the off-street parking provision of neighbouring dwellings. In any event, each case must be determined on its individual merits. While I note that some screening may overcome the adverse effects on the outlook from the proposed bungalow in relation to the parking space to No 25, given the proximity and layout of the dwellings, this would not mitigate the overbearing effect from the proposed house on the future occupiers of the bungalow.
9. With regard to private amenity space, while the outlook from the garden of plot 2 would be adversely affected by the proposal, given the size and regular shape of the proposed garden, it would accommodate the requirements of future occupiers in terms of size given the limited number of future occupiers that would be likely given the proposed layout. The rear garden of plot 1 would also be a regular shape and size that would accommodate the needs of future occupiers.
10. I note the Council's concerns regarding noise given the close proximity of the proposed parking areas. However, any noise or disturbance associated with a single dwelling and its parking would not be so significant so as to be harmful given the predominantly residential surroundings.
11. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to outlook. Therefore, it would conflict with Policy DM23 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document July 2013 (LP) which among other things seeks development that would not have an unacceptable loss of amenity to future occupiers of the development. It would also conflict with LP Policy DM7 in this regard which seeks development that would be well related to adjacent properties. It would also conflict with the National Planning Policy Framework (Framework) in this regard.

Character and appearance

12. The appeal site lies on the corner of Bullards Lane and Peterhouse Crescent in an area characterised by two storey terraced and semi-detached dwellings with front gardens and modest spacing that give the area an attractive open feel.

13. The pattern of development in the area is generally of frontage dwellings with long rear gardens. However, there are a number of smaller plots in the area such that the proposal would not be incongruous in this regard. In addition, while I acknowledge the evidence relating to density, the proposed bungalow would extend the terrace along Bullards Lane and the dwelling of plot 1 would have moderate separation distances to the nearest properties such that the openness of the area would be retained. Furthermore, since the proposed dwellings would be set back from the pavement, they would not result in adverse effects on the spacious quality of the area.
14. Consequently, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with LP Policy DM21 which among other things seeks development that relates well to the character of their surroundings or with LP Policy DM7 which seeks development that would not result in a cramped form of development out of character with the area.

Deben Estuary SPA/Ramsar Site; and the Stour and Orwell Estuaries SPA/Ramsar Site

15. I note the reason for refusal regarding the Deben Estuary SPA/Ramsar Site; and the Stour and Orwell Estuaries SPA/Ramsar Site (designated sites). Had I found that the proposed development would not have a harmful impact on the future occupiers of the proposed development in terms of outlook, I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. However, in the circumstances of this case this has not proved to be a determinative matter given the harm to the habitats sites that would arise from the development.
16. From the evidence before me it appears likely that the proposed development would give rise to at least some harm to the designated sites were that harm not to be mitigated. The appellant suggested that significant effects on the designated sites could be mitigated by a condition. However, while it is possible to implement on-site mitigation measures via a condition, in this case mitigation measures would be required off-site in order to address the wider effects of the development on the designated sites. Due to its limited scale and general lack of complexity the proposed development in this case does not meet the exceptional circumstances which would justify the imposition of a condition seeking a planning obligation as set out in the PPG. Taking these matters together leads me to the view that conditions would not provide an effective mechanism to provide mitigation in this case.
17. While the appellant has suggested that the financial contribution could be provided via an agreement, one has not been provided with the appeal. From the evidence before me, the Council requires a financial contribution to fund The Suffolk Recreation Avoidance Mitigation Strategy (Suffolk RAMS) and I note the appellant's comments regarding the appropriateness of the Suffolk RAMS.
18. While not determinative, as it has not been demonstrated that the proposal would not harm the designated sites, it would not accord with LP Policies SP14 and DM27 which among other things seek to protect Special Protection Areas. It would also not accord with the Framework in this respect.

Other Matters

19. I acknowledge that the development lies within the physical limits boundary and the evidence relating to highway safety, traffic, privacy and light. However, the lack of harm in these respects do not carry weight in favour of the proposal and these matters have not altered my overall decision.
20. I note the concerns of the occupiers of No 27 Bullards Lane. However, the Council has not found that the proposal would result in adverse effects on these neighbours and from the evidence before me I have found no reason to disagree. I also note the evidence with respect to highway safety and contamination. However, the lack of harm in these respects do not override the harm identified.
21. While the appellant has suggested that the development plan policies require updating, from the evidence before me, the policies most relevant for the proposal are consistent with the Framework. I acknowledge that the proposal would provide two dwellings towards local housing stock and there may be temporary economic benefits during the construction stage and limited social benefit from future occupiers contributing to the local community. I also note the Framework's support of development that makes efficient use of land. However, even if conflict with the policies relevant to the proposal are attributed limited weight and the tilted balance in the terms of paragraph 11(d) of the Framework is applied, given the significant detrimental effects on the living conditions of future occupiers that would be likely to result from the proposal, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

22. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR