
Appeal Decision

Site visit made on 26 November 2019

by Peter Mark Sturgess BSs (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 17 December 2019

Appeal Ref: APP/F3545/D/19/3237194

25 The Owell, Pakenham, Bury St. Edmunds IP31 2LE

- 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 C. Palmer against the decision of West Suffolk Council.
 - The application Ref DC/19/1484/HH, dated 17 July 2019, was refused by notice dated 27 August 2019.
 - The development proposed is the erection of detached garage with studio over including the demolition of existing detached garage and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

3. The appeal site is located within an estate of one and two storey houses, constructed of brick and tile.
4. The site is comprised of a two-storey semi-detached house, with front and rear gardens. In the rear garden are two low single storey wooden buildings stained dark brown. The garden is split by an evergreen hedge and enclosed by a fence and an evergreen hedge. Outside the rear boundary of the property is a parking court, with single storey garages, bounded to the north by a public footpath. The land which comprises the parking court and garages falls gently from west to east.
5. The proposal would introduce a building into the rear garden of the property that would be significantly higher than the existing outbuildings. Its flank wall would be located on the northern boundary of the garden, replacing the existing hedge, adjacent to the public footpath. The development would also lead to the loss of the existing hedge which currently splits the garden.
6. Outbuildings located to the rear of properties, in the vicinity, are all low single storey structures and clearly subservient to the houses. The proposal would be higher than all the rear garden buildings in the immediate vicinity. The appellant states that from some views the proposal would be seen against the

back drop of the existing buildings and therefore would not be visually intrusive nor unduly prominent. I do not find this argument convincing. The fall of the land from west to east, the overall height of the building and the position of the northern flank wall on the boundary of the garden with the public footpath, would combine to make it visually intrusive, when viewed from the parking court and the public footpath. These factors would add to the impression that the proposal would not be subservient in scale to the existing dwelling.

7. The development plan consists of the St Edmundsbury Core Strategy 2010 (SECS) and the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February 2015 (SELP – JDMPD).
8. Policy DM24 of the SELP-JDMPD seeks to ensure, amongst other things, that developments within the curtilage of a house respect the character, scale and design of the existing dwelling and the character and appearance of the immediate and surrounding area. I find that the proposed development conflicts with this policy as it would introduce a building which would be visually prominent to the rear of the house by reason of its height and position in relation to the parking court and the public footpath. This would not respect either the scale of the existing house nor the existing character of the area and introduce a discordant feature into this rear garden location.
9. Policy CS3 of the SECS seeks to maintain and create high quality environments by protecting local distinctiveness. It expects proposals for development to demonstrate an understanding of the local context and how the proposal will enhance the area. Whilst I understand the appellant's argument, describing this policy as 'strategic'; I do consider that it is relevant to the proposal as it sets out what the council is seeking to achieve for its area. I consider that the proposal would conflict with the aims of policy CS3.

Other Matters

10. The council has referred to the proposal dominating the rear garden of the appeal property. I consider that the garden would not be overly dominated by the proposal.
11. The occupier of the neighbouring property has referred to the loss of views especially from the garden and kitchen window. I have taken these comments into account in deciding this appeal, however I don't consider that the neighbours living conditions would be unacceptably harmed by the proposal.

Conclusion

12. I find that, having regard to all matters before, me including the policies of the development plan, when read as a whole, the appeal should be dismissed.

Peter Mark Sturgess

Inspector