



Appeal Decision

Site visit made on 2 December 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/F3545/D/19/3236472

44 Abbot Road, Bury St Edmunds IP33 3UB

- 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 Ashley Kool against the decision of West Suffolk Council.
 - The application Ref DC/19/0688/HH, dated 28 March 2019, was refused by notice dated 19 April 2019.
 - The development proposed is construction of a tandem double garage with workshop/studio space above.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ashley Kool against the decision of West Suffolk Council. This application is the subject of a separate Decision.

Main Issue

3. The main issues are
 - The effect of the development proposed on the character and appearance of the property and surrounding area; and,
 - The effect on the living conditions of the occupiers of No 42 Abbot Road, having particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site has a significant slope upwards from front to rear. The development proposed would sit to the rear of the house, close to the boundary with the neighbouring property, No 42.
5. The proposed building would be set across two floors. While the sloping ground level would somewhat limit the visible extent of the building, and particularly from its rear, the front of the building would be seen as a two-storey structure. During my site visit I saw numerous existing outbuildings in the rear gardens of the appeal site and neighbouring properties, both from within the appeal site and from viewpoints along Abbot Road. While many of these buildings occupy large footprints, they are typically low-level structures, and based on the

evidence before me none of these outbuildings are similar in height to the development proposed. The appellant has drawn my attention to other outbuildings in the area, but has confirmed that the development proposed would be the tallest outbuilding in its immediate surroundings.

6. Within this context, I consider that the size of the development proposed would result in it appearing unduly prominent in its setting. It would dominate the landscape in the surrounding area, especially when viewed from the nearest neighbouring properties. Given the established pattern of low-level, subordinate outbuildings in the rear gardens of the existing and neighbouring properties, the size of the development proposed would be uncharacteristic of the surrounding area.
7. For the foregoing reasons, I conclude that the development proposed would have a harmful effect on the character and appearance of the property and surrounding area. It therefore conflicts with Policies DM2 and DM24 of the West Suffolk Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February 2015 (the DMPD). Together these policies require that new development respect the character and appearance of the immediate and surrounding area.

Outlook

8. The closest neighbouring property to the site of the development proposed is No 42 Abbot Road. There is a difference in levels between the two sites, with the appeal site slightly lower than the neighbouring property. The rear of that property faces along the shared boundary with No 42. No 42 has full-length glazed doors to the ground-floor rear elevation. When viewed from within that room, or the paved area immediately to the rear of the house, the development proposed would be seen as a two-storey structure close to the shared boundary. Notwithstanding the difference in site levels, I consider that the height of the outbuilding as seen from No 42 would result in an overbearing and dominating form of development to its occupiers.
9. The appellant suggests that a landscaping scheme could improve the openness of the two sites while softening the overall effect of the development proposed when viewed from No 42. However, I do not consider that this would be sufficient to overcome the imposing visual impact of such a large building in such close proximity to the shared boundary and rear of No 42.
10. The appellant has also referred to the potential for construction of an outbuilding at No 44 under the rights set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015. However, I have no evidence before me that this is likely to be pursued if this appeal is dismissed or that such a scheme could be similar in height or location within the plot to the development proposed. I therefore give this consideration very little weight, and it does not outweigh the harm identified above.
11. For the foregoing reasons, I conclude that the development proposed would have a harmful effect on the living conditions of the occupiers of No 42 Abbot Road, having particular regard to their outlook. It therefore conflicts with Policies DM2 and DM24 of the DMPD. Together these policies require that new development respect does not adversely affect the residential amenity of occupants of nearby properties.

Other Matters

12. The appellant states that the development proposed is an example of innovative design, that it would be built using sustainable construction measures, and that it would improve energy and water efficiency for No 42 as well as being efficient itself. They further suggest that it would provide temperature stable domestic and garden produce storage space and would provide space for domestic activities without disturbance to neighbour amenities. While I recognise the sustainability benefits of the proposal, I do not consider that these would justify granting permission for a form of development that would be harmful to the character and appearance of the area and the outlook of neighbouring occupiers.
13. The appellant has identified broad policy support within the Council's development plan and the National Planning Policy Framework for innovative design approaches and sustainable construction in new development. However, any support is outweighed by the harm to the character and appearance of the area and to neighbour outlook that would result from the development proposed.
14. The appellant suggests that similar benefits to those identified above cannot be delivered by extending the house without distorting its appearance and proportion, and risking creating internal spaces with little or no daylight. However, no evidence has been submitted to show any alternative proposals so I can only give this very little weight, which is not sufficient to outweigh the harm I have identified.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR