



Appeal Decision

Site visit made on 12 November 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/W3520/W/19/3235525

The Beeches, Straight Road, Battisford, Stowmarket IP14 2LZ

- 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 Brian Cross against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02290, dated 10 May 2019, was refused by notice dated 25 June 2019.
 - The development proposed is new dwelling in the grounds of The Beeches, Straight Road, Battisford.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which adequately describes the proposal.
3. The appellant submitted a revised access plan and two revised elevational plans as part of the appeal. The elevational plans provide additional information in regard to the relationship with neighbouring properties and include "sun angle" details. The Procedural Guide Planning Appeals - England is clear that the appeal process should not be used to evolve a scheme and it is important what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. However, the changes shown are minor in nature and I am satisfied that having regard to the Wheatcroft Principles, no party is prejudiced by my taking the amended plans into account.
4. The Council's decision notice refers to saved Policy H14 of the Mid Suffolk Local Plan 1998 (MSLP). However, it is clear that this relates to estates development of 10 or more dwellings. Given that the appeal proposal is for a single dwelling saved Policy H14 is not relevant to the determination of the appeal.

Main Issues

5. The effect of the proposed development on (i) the character and appearance of the site and the surrounding area; (ii) the living conditions of neighbouring occupiers with particular reference to outlook and daylight; and (iii) highway safety.

Reasons

Character and appearance

6. The appeal site currently forms part of the garden of a two-storey detached dwelling. This part of Straight Road is characterised by fairly large dwellings, both single and two-storey, set within substantial plots with significant space in between each property. This is particularly the case with the appeal site's existing dwelling and its immediate neighbours to the east and west. The existing properties are positioned within their plots in an east to west alignment, set back from the road frontage. The gaps between properties and the generous garden areas create a spacious feel to this section of the street.
7. The appeal building would be a part single-storey and part one and a half storey dwelling of modular construction. It would be somewhat 'U' shaped and consist of 'three volumes', with the one and a half storey element at the rear of the building. The proposed dwelling would be positioned in the plot with a north south emphasis and would project forward of the established building line, completely jarring with its surroundings. In addition, it would be crammed in between the flank wall of the donor dwelling and the eastern boundary of the site so that there would be little relief between buildings. This would be at odds with the more spacious arrangement characteristic of this part of the street.
8. Whilst noting the appellant's submissions on construction method and materials, in my assessment, the use of cladding to the external walls and slate tiles for the roofs, in between and in such close proximity to dwellings constructed of red bricks and brown concrete tiles, would also be out of keeping with the surroundings. Despite the intention to retain the mature trees and shrubs along the road frontage and in part along the eastern boundary, the appeal dwelling would be visible in the street scene. The materials proposed would conflict with, rather than respond to the character of the area.
9. I conclude that the proposal would unacceptably harm the character and appearance of the site and the surrounding area contrary to saved MSLP Policies GP1, H13, H15 and the National Planning Policy Framework (the Framework) which together seek, amongst other things, to ensure that new development respects the character of its surroundings and maintains local distinctiveness.

Living conditions

10. Turning to the impact of the proposal on the living conditions of the occupiers of neighbouring properties. The proposed dwelling would be in very close proximity to the side elevation of the donor property, The Beeches. There are four existing openings, two at ground and two at second floor level, in this elevation. The appellant has proposed obscure glazing (or film) be installed up to a minimum height of 1.7 metres from floor level to these openings. I saw on my site visit that the ground floor windows have obscure film already fitted.

Nevertheless, I do not find this to be a satisfactory arrangement, even taking into consideration that these windows are secondary to the rooms they serve.

11. The use of obscure glazing would not alleviate the oppressive nature of the proposed dwelling so close to this neighbour. The appeal building, would appear dominant and overbearing and would result in a sense of enclosure which would have a harmful effect on the outlook of the occupiers of this property. It would also diminish the amount of daylight reaching this neighbour.
12. Even if the current occupiers are accepting of this arrangement, this does not negate the need to consider the impact of the proposal on the living conditions of future occupiers, nor does it alter my assessment of the impact. I consider that the proposal would result in harm to the living conditions of the occupiers of The Beeches with regard to outlook and daylight.
13. In respect of the neighbouring property to the east of the site (Mayfield), the 'U' shaped footprint of the proposal would result in its central 'volume' being stepped away from the eastern boundary. However, the front and rear sections of the proposed dwelling would be close to this boundary. Despite the retention of parts of the existing boundary hedge and the erection of a two and a half metre high fence where the boundary aligns with the side elevation of Mayfield, the appeal building would be seen from this property. The proposed development's scale and siting would give notable enclosure to Mayfield and its garden areas and would appear overbearing. This would result in diminished outlook for the occupants of that property.
14. In addition, despite the majority of the proposed dwelling being single storey in height, its overall scale and position in relation to Mayfield would result in a reduction of sunlight and daylight reaching that property. Although overshadowing and daylight restriction of this property is currently experienced due to the boundary hedge, the proposal would nevertheless result in permanent additional overshadowing and a reduction in daylight to Mayfield. This would be to the detriment of the living conditions of the occupiers of this neighbouring property. The additional "sun angle" information provided in the evidence to this appeal does not persuade me otherwise.
15. No windows are proposed to the gable ends facing Mayfield and the first-floor rear facing balcony would have obscure glazed side panels. This would prevent any significant loss of privacy to the occupiers of Mayfield being introduced.
16. Whilst I have not found harm in terms of privacy, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of The Beeches and Mayfield with regard to outlook, sunlight and daylight. Thus, it would conflict with saved MSLP Policies H13 and H16 which require high quality design and protection of residential amenity.

Highway safety

17. The Council consider that the proposal did not demonstrate that a suitable access to the development could be provided from the public highway. The evidence before me appears to show that the concerns of the highway authority have been overcome with the amended plan. Although I have taken this into account, I am satisfied that, in any case, this matter could be dealt with by way of a suitably worded condition.

18. I therefore conclude that the proposal does not conflict with saved MSLP Policies T9 and T10 which seek to ensure that development proposals provide suitable parking and access arrangements and respect highway safety. However, the lack of harm with respect to highway safety does not outweigh the harm I have identified above.

Other Matters

19. The Parish Council have highlighted that there are a number of listed buildings within Battisford. The appellant has provided evidence of the locations of these heritage assets. I am satisfied that the separation distances between these buildings and the appeal site ensure that no harm would be caused to their settings by the proposal.
20. I note the frustrations expressed by the appellant in relation to the level of communication from the Council during the application process. However, this is not a matter for this appeal which I have determined on its planning merits and based on the evidence before me.
21. I have taken into account the other examples of other developments within the area where dwellings are situated in close proximity to their neighbours. However, these cases are not directly comparable to the appeal proposal, which must be determined on its own particular planning merits.
22. The appellant considers that paragraph 11 of the Framework is engaged in this case as they contend that the Council is unable to demonstrate that it has a deliverable 5-year housing land supply. However, the appellant has not provided any up-to-date substantive evidence to support their case. I have no reason to conclude on that basis and therefore I have determined the appeal in accordance with the development plan.
23. The development would provide an additional dwelling, however the benefits in that regard would be very modest and insufficient to outweigh the harm to character and appearance of the appeal site and the surrounding area and to the living conditions of occupiers of nearby properties that I have identified.

Conclusion

24. For the above reasons the appeal is dismissed.

S Tudhope
Inspector