



Appeal Decision

Site visit made on 17 January 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2020

Appeal Ref: APP/D3505/W/19/3237656

Land East of 18 Oaklands, Leavenheath, Suffolk CO6 4UH

- 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 Mrs Jane Munro against the decision of Babergh District Council.
 - The application Ref DC/19/02815, dated 9 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is described as 'erection of 1No single-storey dwelling and associated ancillary out-building'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. When the application was determined the Council could not demonstrate a five-year supply of deliverable housing sites. However, the Council state that this is no longer the case and they now have a supply of approximately 5.6 years. The Council's current housing land supply position has not been disputed by the appellant. Consequently, the presumption in favour of sustainable development contained in paragraph 11(d) of the National Planning Policy Framework (the 'Framework') is not engaged.
3. Outline planning permission is sought with all matters reserved except for access. I have had regard to the site and location plans and the proposed elevations and floor plans but have regarded all elements of these drawings as indicative apart from the details of the proposed access.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. The appeal site is located to the side of 18 Oaklands, which is a detached two-storey dwelling with a garage. It is proposed to erect a detached dwelling on the appeal site. To provide access to the proposed dwelling the existing garage would be demolished.
6. Oaklands is a planned residential estate, which dates from the late twentieth century. The road is accessed from Harrow Street and the properties are laid out around two cul-de-sacs. The appeal site is located at the end of the most northern cul-de-sac, where the properties are predominately two-storey

detached dwellings with simple gable roof forms. The frontage of the properties typically face the highway and the buildings follow a clear building line.

7. Whilst I acknowledge that all matters, except for access, are reserved at this stage, owing to the configuration of the appeal site and the limited width of the site entrance, the proposed dwelling would be set back from the highway and would be unable to follow the established building line of the neighbouring property to the south. Whilst some views of the proposed dwelling would be present from the street, owing to its rearward siting behind the established building line, the proposed development would appear out of keeping and disconnected from the surrounding dwellings within the estate. This deviation from the prevailing pattern of development would cause significant harm to the character and appearance of the area.
8. The appellant points out that there are a variety of property types located within the Oaklands estate, which includes several bungalows at the end of the other cul-de-sac. However, Oaklands is a long road and such development is not seen in the context of the appeal site. Therefore, the existing bungalows do not contribute directly to the aforementioned and distinctive characteristics of the immediate area near the appeal site.
9. The appellant argues that the Council's assessment fails to take account of Saved Policy HS28 of the Babergh Local Plan Alteration No.2 (June 2006) (the 'LP'), which relates to infilling and groups of dwellings. The Council explain that the policy was not used because the site is not within the built-up area boundary, nor is it located between two properties sharing the same aspect of street frontage. In any event, I note that the policy states that planning permission should be refused when the proposal is of a scale, density or form which would be out of keeping with adjacent and nearby dwellings or other buildings.
10. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies CS11 and CS15 of the Babergh Local Plan 2011-2031 Core Strategy and Policies (February 2014) and Saved Policy CN01 of the LP which require development proposals to be well designed and appropriate in size/scale, layout and character to its settings and to the village; to respect the local context; and to pay particular attention to the scale, form and nature of adjacent development and the environment surrounding the site.
11. Given the above, the proposal would also be inconsistent with paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character.

Other Matters

12. The site is located about 100 metres from Greylands, Harrow Street, which is a Grade II listed building. Given the separation distance and the extent of intervening screening between the proposed development and the listed building, I conclude that the proposal would preserve the setting of the listed building. However, this is a matter of neutral consequence in the overall planning balance and therefore does not outweigh my conclusions on the main issue.

13. The appellant's design and access statement explains that the proposed dwelling could be designed to enable local disabled residents to live relatively unaided or it could be occupied by elderly residents wishing to downsize, both of which could free up existing housing in the village. Whilst this may or may not be the case, such benefits would not be significant enough to alter or outweigh my conclusions on the main issue.
14. A local resident has drawn my attention to a restrictive covenant at the appeal site, which may prohibit the erection of permanent structures on the land. However, this is a separate legal matter, which falls outside of the scope of this appeal.

Conclusion

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

Christopher Miell

INSPECTOR