



Appeal Decision

Site visit made on 20 January 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/F3545/W/19/3239520 Bodicia, 7 The Highlands, Exning CB8 7NT

- 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 Trevor Peak against the decision of West Suffolk Council.
 - The application Ref DC/19/1389/FUL, dated 3 July 2019, was refused by notice dated 17 September 2019.
 - The development proposed is new two bedroomed single storey dwelling, garage and new access from The Highlands.
-

Decision

1. The appeal is allowed and planning permission is granted for new two bedroomed single storey dwelling, garage and new access from The Highlands at Bodicia, 7 The Highlands, Exning CB8 7NT in accordance with the terms of the application, Ref DC/19/1389/FUL, dated 3 July 2019 and subject to the conditions set out in the attached schedule.

Procedural Matter

2. On 1 April 2019 Forest Heath District Council was dissolved and along with St Edmundsbury Borough Council became a new non-metropolitan district council known as West Suffolk Council. The development plans for the merged local planning authority remain in place for the former area of Forest Heath District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

Main Issue

3. The main issues are the effect of the development proposed on:
 - the character and appearance of the area; and,
 - the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

4. The Highlands is a cul-de-sac on which the houses are set at a variety of different levels due to changes in ground level. Houses in the street are generally large and set back from the road. There is variety in size, and immediately opposite the appeal site No 2A projects close to the site boundary.
5. The appeal site is prominently located within the street scene, and the proposed dwelling would be closer to the street frontage than is typical in the

street. However, it would be set back from the road with sufficient space to accommodate parking at the front of the house, which is typical of houses in the road. I note that the house would align with No 7 to one side, and the garage in front of 7A on the other side of the plot. Within this context, I do not consider that it would appear unduly prominent in the street scene.

6. The proposed dwelling would extend across the width of the plot, with its side walls close to the boundaries with Nos 7 and 7A. This is not a typical arrangement within The Highlands, where properties generally occupy larger plots. However, there are examples of minimal separation to the boundary, including No 7A as well as the house to the north of No 2.
7. From the evidence before me and what I saw during my visit each plot within The Highlands is individually sized, and no two properties appear to be of the same design. While there is a broad character established by large footprints and similar heights, I do not consider that the introduction of one smaller dwelling into the group would result in unacceptable harm to the local character.
8. Having considered these matters, I conclude that the development proposed would not be harmful to the character and appearance of the area. It therefore accords with Policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document February 2015 (the DMP) and Policy CS5 of the Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 May 2010. Together these policies require, among other things, that development maintains a sense of place and/or character.

Living Conditions

9. The appeal site comprises the side garden to No 7, and the proposed dwelling would be set close to the boundary with the existing house. As a single-storey dwelling the effect on the outlook from the windows to No 7 would be modest with the primary windows to No 7 not facing the appeal site.
10. The proposed dwelling would also be close to the boundary with No 7A. The presence of the existing garage in front of 7A would limit views of the development proposed, and the roof adjacent to the boundary would be hipped away. I therefore consider that the development proposed would not have an overbearing effect on the neighbouring occupiers.
11. The proposed dwelling would be a single-storey bungalow with a modest rear garden. There would be no unacceptable overlooking of neighbouring properties from the house. I do not consider that any additional disturbance from a single additional dwelling in this residential street would be likely to cause unacceptable nuisance to neighbouring occupiers.
12. Therefore, having considered these matters, I conclude that the development proposed would not have an unacceptable effect on the living conditions of neighbouring occupiers. The development accords with Policies DM2 and DM22 of the DMPD. Together these policies require, among other things, that new development not affect adversely residential amenity.

Conditions

13. I have had regard to the Council's suggested conditions. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of national Planning Practice Guidance. I have included standard conditions relating to the commencement

of development and confirmation of the approved plans for the sake of certainty.

14. I have included a condition requiring details of surface water management to prevent water running into the highway in the interests of highway safety. Given the proximity of the site to the A14 and potential for noise disturbance, I also consider it reasonable to impose a condition requiring that appropriate mitigation measures be employed.
15. I have included conditions relating to the detail and provision of the vehicle access in the interests of highway safety. Furthermore, a condition requiring agreement and implementation of on-site bin storage is necessary and reasonable to prevent the containers from obstructing the highway.
16. In addition, as the appeal site is close to existing dwellings, conditions prohibiting noisy work outside reasonable hours and the burning of waste are reasonably necessary to protect the living conditions of neighbours.
17. To encourage the uptake of zero emission vehicles I have included a condition requiring installation of an electric vehicle charging point. To ensure that the development employs appropriate water efficiency measures I have imposed a condition requiring that details of compliance with the Building Regulations optional requirements are complied with.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

M Chalk

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1021-19-01, 1021-19-02, 1021-19-03, 1021-19-04, 1021-19-05
- 3) No construction above ground level for any dwelling shall commence until details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 4) No construction above ground level for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:
 - i. Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;
 - ii. Details of a measurement and assessment methodology for demonstrating compliance with the limits set in condition i. including the identification of specific properties where monitoring shall take place. This methodology shall include measurements within more than one dwelling.
- 5) The new vehicular access shall be laid out and completed prior to occupation of the approved development. It shall be completed in all respects in accordance with the approved details and, notwithstanding condition 2, shall have an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.
- 6) The gradient of the vehicular access shall not be steeper than 1 in 8 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.
- 7) Prior to the development hereby permitted being first occupied, the access onto the carriageway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 8) Before first occupation of the approved development details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

- 9) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public Holidays.
- 10) The burning of any waste arising from the construction of the development hereby permitted shall be prohibited at any time within the application site.
- 11) Prior to first occupation an operational electric vehicle charge point shall be installed on site with an electric supply to the charge point capable of providing a 7kW charge.
- 12) The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.