



Appeal Decision

Site visit made on 4 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/F3545/W/19/3241758

Land behind 16 High Street, Lakenheath, Brandon IP27 9JS

- 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 RS Lakenheath against the decision of West Suffolk Council.
 - The application Ref DC/19/1578/FUL, dated 31 July 2019, was refused by notice dated 29 October 2019.
 - The development proposed is construction of 2 no. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have confirmed that the drawings listed on the decision notice were not those upon which the decision was made and the correct plans are 2017.01; 2017.02B; 2017.03A. and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are
 - whether the proposed development would preserve or enhance the character or appearance of the Lakenheath Conservation Area.
 - the effect of the development on the living conditions of the occupiers of 1 Dumpling Bridge Lane and 16 High Street, with particular reference to outlook and daylight.
 - The effect of the development on the safety and convenience of highway users.
 - Whether future occupiers would be likely to experience acceptable living conditions, with particular reference to noise and disturbance from aircraft.

Reasons

Conservation Area

4. The site is located within the Lakenheath Conservation Area and comprises an area of land to the rear of 16 High Street. Along the boundary of the site is a flint boundary wall which runs along Dumpling Bridge Lane. This part of the

Conservation Area is characterised by the chalk or brick and flint rubble walls which marked ancient boundaries.

5. The Lakenheath Conservation Area Appraisal (CAA) identifies that flint or brick boundary walls will be protected and demolition will not be permitted and highlights that the character of the conservation area has in the past, been eroded by infill development which was inappropriate because it was not in harmony with the mass, scale, materials and detail of the area.
6. 16 High Street and its boundary wall are identified within the Lakenheath Appraisals Map, and no 16 is noted as a building of local importance. The CAA states that these buildings and their boundary walls have characteristics that make a positive contribution to the architectural and historic interest of the conservation area. It also sets out that the layout of the buildings reflects the medieval boundaries, with buildings side onto the street along the back edge of the pavement. Therefore I consider its significance is derived from both the historic pattern of development and the original boundary walls.
7. Dumpling Bridge Lane is dominated by the existing flint wall which runs along the boundary of the site and is attached to 1 Dumpling Bridge Lane. The wall and the frontages of 1-3 Dumpling Bridge Lane are aligned with the road and form a defined building line with the properties fronting directly onto the pavement edge. The overall height of the wall at the entrance to Dumpling Bridge Lane adds to its prominence when viewed from the High Street.
8. The proposed development would result in the creation of an opening within the wall to provide vehicular access to 2 dwellings. The dwellings would be set back from the road frontage to allow for parking to be provided. The frontages of the proposed dwellings would be in line with the rear elevation of 1 Dumpling Bridge Lane. The proposed development, by virtue of its position set back from the pavement edge, fails to relate to the historic pattern of development and as such fails to preserve or enhance the character of the Conservation Area.
9. The properties have been designed with flint and brick quoin detailing on the front elevation in an attempt to replicate the character of the older properties in Dumpling Bridge Lane. The dwellings have been designed with top hung windows and include elements of horizontal boarding which emphasises the horizontal proportions of the windows. However, the CAA places an emphasis on the vertical proportion of structural openings and the proposed design of the dwellings would be at odds with the historic development within the area.
10. The proposed development would also result in the realignment, lowering and alteration of part of the boundary wall in order to provide improved visibility splays on the junction between Dumpling Bridge Lane and High Street. These alterations in combination with the creation of an opening into the wall would significantly alter the character of the wall which I have identified as contributing to the significance of the Conservation Area.
11. It has been put to me that the alterations to the wall have already been permitted under DC/16/0523/FUL, however I have not been provided with plans of this development. I am not persuaded that the scheme would represent a realistic fallback for the appellant as I understand that this scheme was only for a single dwelling on part of the site. However, even if I were to accept the appellants case that these alterations have already been permitted I

have found additional harm to the Conservation Area as a result of the detailed design and siting of the proposed dwellings.

12. For the above reasons, the proposed development would result in less than substantial harm to the Conservation Area. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the Conservation Area to be less than substantial in this instance but nevertheless of considerable importance and weight.
13. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this case, the proposed development would lead to the provision of two dwellings located within a sustainable location, which would support the local economy. However, these benefits would be modest and therefore, there is no public benefit sufficient to outweigh the harm.
14. I conclude that the development proposed would fail to preserve or enhance the character or appearance of the Lakenheath Conservation Area. This would be contrary to policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015 (DMPD) which require development to maintain local character and create a sense of place. It would also conflict with policy DM17 which requires development to preserve or enhance the character or appearance of the Conservation Area; be of an appropriate alignment and detailed design which respect the area's character and its setting and retain important traditional features that contribute to the area's character such as flint or clunch walls. The development would also fail to accord with policy CS5 of the Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 (with housing projected to 2031) 2010 which requires all new development to be designed to a high quality and reinforce local distinctiveness.

Living conditions

15. The development would be located to the rear of 16 High Street, and the side elevation of plot 1 would extend along part of its rear boundary. A fence has been erected along the rear boundary of no 16, and therefore it was possible to see the extent of the garden that remains for this dwelling. I consider having regard to the size of the existing dwelling the garden area remaining is adequate.
16. The position of plot 1 would not enclose the entire rear boundary of No 16 and there would be an adequate level of separation between the rear of the existing dwelling and plot 1. Therefore, I consider that the appeal scheme would not have a significant enclosing or shading effect on the neighbouring property of 16 High Street.
17. The proposed siting of plot 2 would extend beyond the rear elevation of 1 Dumpling Bridge Lane and enclose the area directly behind it. The proposed position of the dwelling directly adjacent to the rear amenity space would be a dominant and overbearing feature when viewed from within the garden. I do

not consider that this would be adequately mitigated, as suggested by the appellant, by the lowered roofline of the part of the building nearest to no 1.

18. No 1 has first floor windows on the rear elevation, and as there are no windows on the side elevation nearest the appeal site it is likely that these are the only windows serving those first floor rooms. Outlook from the first floor window nearest the appeal site would be restricted as a result of the positioning of plot 2 which would enclose the space directly to the side of No 1 and would also reduce the amount of daylight received by the first floor window nearest the appeal site.
19. In conclusion, whilst I have found that the development would not have an unacceptable effect on the living conditions of the occupiers of 16 High Street, I have found harm to the occupiers of 1 Dumpling Bridge Lane with particular reference to outlook and daylight. The development would therefore conflict with policy DM2 of the DMPD which requires proposals not to affect adversely residential amenity and have regard to overshadowing and loss of light.

Safety and convenience of highway users.

20. The appeal site is accessed from Dumpling Bridge Lane which is a single track road which has grass growing along the middle of it, and serves only a small number of properties. The Highway Officer notes that the road is approximately 4.5m wide at the point of the proposed access into the appeal site. Dumpling Bridge Lane exits onto High Street and is located on a slight bend and visibility for vehicles turning towards Lakenheath is restricted by the existing wall.
21. The junction between Dumpling Bridge Lane and High Street already exists and currently has visibility of 11m to the south, partly due to the existing flint wall, and is therefore below accepted standards. The development would lead to an intensification of the use of the junction, with at least an additional 4 cars entering and exiting the site.
22. During the consideration of the application amended plans were submitted to the Council (2017.02B) to show the re-alignment of the flint wall and a reduction in height of the wall to 1.2m to improve visibility, although the drawing does not indicate the extent of the visibility splay achieved. The alterations to the wall have already been accepted under a previous application (DC/16/0523/FUL).
23. Paragraph 109 of the Framework advises that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety and the guidance within Manual for Streets 2 advises that unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a problem.
24. In respect of visibility I am satisfied that the improvements indicated on 2017.02B would improve visibility for all road uses travelling from Dumpling Bridge Lane and having regard to the scale of development proposed and the small increase in the traffic movements generated, this improvement would be sufficient to ensure the safety of highway users and would provide a wider benefit to all of the properties within Dumpling Bridge Lane.
25. The development would be provided with 4 parking spaces located at the front of the site and entry to the site would be through a gap in the existing flint wall. Whilst not forming part of the Council's reasons for refusal, I agree with

the Highway Authority that insufficient evidence has been submitted to demonstrate how the proposed parking spaces would be accessed, in terms of manoeuvring into and out of the proposed spaces and whether vehicles would need to use Dumping Bridge Lane in order to undertake parts of those manoeuvres.

26. However, I consider that the nature of the road, which serves only a small number of properties, and its narrow width will help to slow traffic entering the lane. Therefore, notwithstanding the proximity to the junction and taking into account the reduced visibility for vehicles exiting the site due to the existing wall, it is likely that the potential for conflicting movements can be anticipated well ahead by all parties and collisions avoided.
27. Notwithstanding the harm I have identified to the Conservation Area in respect of the proposed alterations to the wall, I conclude that the development would not have an unacceptable impact on the safety and convenience of highway users. The development would accord with policy DM2 of the DMPD which requires development to maintain or enhance the safety of the highway network.

Noise

28. The site is located close to an operational airfield, RAF Lakenheath and is within an area affected by noise generated by military aircraft operation from a Ministry Of Defence (MOD) establishment operated by the United States Air Force. The appellant has submitted a noise impact assessment which has been assessed by the MOD and they consider that the information submitted is insufficient to provide a comprehensive picture of noise levels as a result of military aviation.
29. The site is within an area which is identified as having noise levels from military aviation in the range of 63dB to 66dB LAeq 16hr range. The MOD have advised that the noise could be mitigated by incorporating acoustically treated glazing with acoustic vents with similar sound reduction performance. The appeal proposal does not provide any specific details of the proposed glazing, however I am satisfied that such detail could be agreed by condition requiring the submission and approval of an appropriate scheme of noise mitigation, which would limit daytime noise levels to 35dB LAeq (16hrs) and night time levels to 30dB LAeq (8hrs). This would then be retained for the life of the development.
30. I note the concern raised about the intended uses of nearby commercial units, however these are not within the appellants control and I understand this relates to an application which has not yet been determined. However, even if the site were to be affected by nearby noise generating uses, I am satisfied that the mitigation proposed to protect occupiers from military aircraft noise would also protect future occupiers from noise from these other uses.
31. In conclusion, whilst the site is located within an area that is affected by noise I am satisfied that this could be mitigated by condition, if I were to find the scheme acceptable in all other regards. Therefore future occupiers would be likely to experience acceptable living conditions, with particular reference to noise and disturbance from aircraft and accord with policy DM2 of the DMPD which requires prevents the siting of sensitive development where its users would be significantly and adversely affected by noise unless adequate and appropriate mitigation can be implemented.

Conclusion

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

G. Pannell

INSPECTOR