
Appeal Decision

Site visit made on 10 February 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/W3520/W/19/3239394

Woodside, Lion Road, Palgrave, Diss, Suffolk IP22 1AL

- 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 Michael Davey against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/00926, dated 21 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is described as 'detached two storey dwelling with parking following demolition of existing garage and artist's studio'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's first reason for refusal suggests the appeal scheme would create substandard/unacceptable amenity for future owners of both Woodside and the proposed dwelling. However, it does not define what is meant by the term 'amenity'. That said, consideration of the Officer's report casts some light on this imprecision by explaining that the positioning of the proposed dwelling would, in the Council's view, result in overlooking. I have therefore taken the phrase amenity to be a reference to privacy.
3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would engender adequate living conditions, with particular reference to privacy.

Reasons

The effect on the character and appearance of the area

4. The appeal site encompasses residential garden land to the front and side of Woodside, a large detached house on the south side of Lion Road in spacious grounds. The properties to the immediate east of the appeal site are in a staggered arrangement behind generously sized and landscaped front gardens. This affords the group a pleasant spaciousness. The verdant appearance of the southern side of Lion Road is an important component of the street scene when travelling out of the village, to which the appeal site positively contributes.

5. The properties on the northern side of Lion Road are closer to the road and arranged in a more consistent linear form than those on the southern side. Nevertheless, the houses are set behind front gardens, which often benefit from soft landscaping. This complements the spacious and verdant appearance of the street. A housing estate has been constructed to the immediate west of the appeal site and this has failed to continue the verdant character of Lion Road. Nevertheless, it is visually separated from the appeal site by a thick hedge and therefore the appeal site is not viewed as part of the estate, and the estate is not prominent in views of the appeal site from the east.
6. The proposed house would be positioned in front of Woodside and forward of the existing garage. In some respects, this arrangement would respond to the staggered building line evident in the layout of the properties to the immediate east. However, the new house would be set significantly forward of Woodside and this would make it appear strident and out of place in the street scene when viewed from the east. This arrangement would undermine the grain and rhythm of development by excessively eroding the existing set back and thus the spacious and verdant frontage of Woodside. This would harm the street scene. The comparatively cramped arrangement of the site would compound this impact, as the proposed house would appear squeezed in. These conclusions are consistent with a previous appeal decision¹.
7. The dwelling would not be prominent in views from the west as it would be screened by the existing mature hedge on the western boundary of the site. Views from the west have also been significantly altered by the new housing estate, with some of the properties located uncharacteristically close to the edge of the road. Nevertheless, the lack of harm in views from the west would not mitigate for the harmful views from the east. The new dwelling would have a similar appearance to Woodside and be arranged to create a courtyard feel. However, these positive aspects would be outweighed by the degree to which the property would have a discordant forward projection and the way this would harmfully erode the generous frontage of Woodside.
8. In conclusion, the appeal scheme would harm the character and appearance of the area. Within its decision notice the Council state that this would be contrary to local development policies without indicating which ones. However, the Officer's report refers to Policy H15 of the Mid Suffolk Local Plan 1998 (LP) and a copy of this has been supplied with the appeal submissions. It states that new housing should be consistent with the pattern, configuration and form of neighbouring development and local character. The appeal scheme would not achieve these aims. Policy H15 is consistent with Paragraph 127 of the National Planning Policy Framework (the 'Framework'), which states that development proposals should be visually appropriate and sympathetic to local character.

Whether the proposed development would provide adequate living conditions for future occupants, with particular reference to privacy

9. The principal aspect from the proposed dwelling would be to the east over a shared driveway and the truncated front garden of Woodside. This space is already overlooked from the public realm. In this respect, the dwelling would not result in overlooking where none currently exists. The first floor would include a south facing window serving Bedroom 1 that would overlook part of the garden of Woodside. However, the occupants of the proposed dwelling

¹ APP/W3520/W/14/3003004

would not be able to see the rear elevation of Woodside and the space directly behind it. Nor would they be able to see directly into the dwelling. Accordingly, the occupants of Woodside would not suffer an unreasonable loss of privacy.

10. Woodside would be located behind the proposed dwelling and at right angles to it. As such, none of the windows at Woodside would look directly towards the new dwelling, any views would be at oblique angles rather than direct. There may be some overlooking of the rear garden, particularly as the occupants of Woodside would need to use the access in-between to access their rear garden and parking area. However, this could be mitigated through the erection of appropriate boundary treatment secured through a planning condition.
11. In conclusion, the appeal scheme would not result in a harmful loss of privacy to either the occupants of Woodside or the new dwelling and therefore a conflict with Policy H16 of the Mid Suffolk Local Plan 1998, in so far as it is concerned with preventing a material loss of privacy, would not occur.

Other Matters

12. The proposed development would adhere to Policy H16 of the LP but be at odds with Policy H15. Therefore, the appeal scheme would be at odds with the development plan taken as a whole. An application should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration. Paragraph 11 d) of the Framework states that in situations where the most important policies for determining the application are out of date, planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Policy H15 is the most important policy in assessing the proposal and it is consistent with the Framework. As such, it is not out of date. Any conflict with it carries significant weight. Thus, Paragraph 11d of the Framework is not relevant on this account.
13. However, even if it were, my conclusion on the appeal scheme would remain unaltered. This is because the appeal scheme would have limited benefits. These being a modest boost to housing supply, the vitality of the village and the local economy. Nothing is before me to suggest the Council is currently unable to demonstrate a five-year housing land supply and therefore it is significantly boosting the supply of housing at present. In this context, the benefits to housing supply from a single dwelling would be limited. Substantive evidence has not been provided to suggest local services, facilities or clubs are suffering for lack of patronage and therefore the modest support to the local economy and rural community provided by the development would be of limited weight. The modest benefits to the construction industry would be short lived. Thus, the harm to the character and appearance of the area, which is at odds with the development plan and national policy, would significantly and demonstrably outweigh the limited benefits of the proposal.
14. Planning permission² was granted for a semi-detached dwelling to the side of Woodside. The approved dwelling would have a more contrived appearance than the appeal scheme due to the undercroft but its presence in the street scene would be significantly less than the proposal as there would be an open frontage and the set back would be retained. Accordingly, my findings are not inconsistent with this previous approval, as the two schemes are materially

² Council Reference 0917/16

different. The Parish Council and a neighbour did not object to the proposal, but I have come to my own findings for the reasons given.

Conclusion

15. The proposed development would be contrary to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR