



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: 20 February 2020

Appeal Ref: APP/W3520/W/19/3240036

10 Ipswich Road, Debenham IP14 6LB

- 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 Jason Vince (Earlswood Homes) against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/01771, dated 4 April 2019, was refused by notice dated 7 August 2019.
 - The development proposed is demolition of existing bungalow (Rosecrest) and erection of 8no. new dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development proposed on the living conditions of neighbouring occupiers, with particular regard to Nos 1, 2 and 3 Cherry Tree Close; and,
 - Whether the development proposed makes adequate provision for off-street parking

Reasons

Living Conditions

3. The proposed dwelling on plot 8 of the appeal proposal would be sited immediately to the south of No 1 Cherry Tree Close. No 1 has first-floor windows and ground-floor windows and a doorway in the elevation facing the shared boundary. These are secondary windows and light to, and outlook from, the ground floor is limited by the existing boundary fence. However, the evidence submitted by the occupier states that 3 of the windows serve the kitchen, dining room and a bedroom. Due to their orientation these windows provide natural light to these rooms. In the case of the bedroom window it also provides an open and unobstructed outlook. The siting of this proposed two-storey dwelling would therefore cause unacceptable harm by loss of natural light and outlook to the occupants of No 1 by virtue of its proximity and height.
4. The appellant has suggested that it would mainly be secondary windows affected by the proposed dwelling on plot 8, and that as outlook from, and light

to, the principal windows would not be harmfully affected then the effect on the living conditions of the neighbouring occupier would be acceptable. In doing so, they have referred to the 45 degree rule recommended by the Building Research Establishment. However, I am not persuaded by this argument as, based on the evidence submitted and what I saw during my site visit, the proposed dwelling on plot 8 would be a dominant feature in such close proximity to the No 1 that it would be harmful to the living conditions of the occupier.

5. The area of the appeal site that lies to the rear of Cherry Tree Close is at a significantly higher ground level than the properties on Cherry Tree Close. The houses on plots 6 and 7 would be a prominent feature when viewed from Nos 2 and 3 Cherry Tree Close. The layout of the appeal proposal was amended during the application to move the proposed houses on plots 6 and 7 further away from these existing houses, and the proposed design and height of these houses was also modified. The appellant contends that this revised arrangement would prevent a harmful loss of outlook or light to the houses. However, I must also consider the effect on the occupiers of Nos 2 and 3 enjoyment of their gardens. I consider that the proposed houses would be overly dominant when viewed from the gardens due to their height and elevated position. In particular I consider that the facing flank elevation to the house on Plot 7 would, as a result of its gable wall and unbroken expanse of brickwork, be seen as a monolithic and harmful feature. While there is a hedge along part of the boundary between the appeal site and Cherry Tree Close, this is outside of the red line shown on the drawings and therefore it is not under the appellant's control to secure its retention. In any case, it does not extend along the full length of the boundary and, during my site visit, was bare of greenery and provided little screening between the sites.
6. The properties on Deben Rise are at the same ground level as the appeal site, with the closest house, No 6 Deben Rise, set at an oblique angle to the proposed development. There is an existing hedge along much of the shared boundary which lies outside of the appeal site, but is well established. During my site visit I saw that it provided screening between the sites. Based on the evidence before me the rear gardens to the proposed dwellings abutting Deben Rise would be similar in depth to the rear gardens to houses on that road. The houses would therefore be sufficiently separate that any overlooking and loss of privacy would not be at a level unusual in a residential area. I therefore conclude that the relationship between the proposed houses and the existing properties on Deben Rise would not result in unacceptable harm to the living conditions of the occupiers of those properties.
7. Having considered these matters I conclude that overall the development proposed would have a harmful effect on the living conditions of neighbouring occupiers. It would therefore conflict with Policies H16, GP1 and H3 of the Mid Suffolk Local Plan September 1998 (the LP) and Policy DEB 2 of the Debenham Neighbourhood Plan 2016-2036 March 2019 (the NP). Together these policies require that new development protect the amenity of neighbouring occupiers.

Off-street Parking

8. The development proposed would provide 17 parking spaces, including 3 garages, and 1 visitor space. Suffolk County Council's Guidance for Parking May 2019 document seeks 2 visitor spaces for a development of this size. The

appellant contends that this document is advisory, and a provision of 1 visitor space would not cause material harm.

9. Ipswich Road is relatively narrow and during my site visit I did not see anywhere in the immediate vicinity of the site to accommodate on-street parking. I have not been provided with evidence that overspill parking can be accommodated within walkable distance of the site, for example at a public car park, or that the area is well-served by public transport. I consider it likely that a development of 8 family houses will attract regular visitors, and so consider that it would be reasonable to require 2 visitor parking spaces on site to accommodate this in accordance with the Guidance for Parking.
10. The appellant has suggested that, were I minded to allow this appeal, a condition could be used to secure 2 visitor parking spaces. However, it is not clear how this could be accommodated within the site layout shown on drawing ref P001 Revision D without requiring additional consultation over consideration of highway safety or neighbour disturbance.
11. Having considered these matters I therefore find that the development proposed would not make adequate provision for off-street parking. It therefore conflicts with Policies TP9 and TP10 of the LP and Policy DEB 7 of the NP.

Other Matters

12. The appellant has suggested that the development proposed would deliver a range of planning benefits. It would contribute to local housing needs and deliver a mix of housing types. It would deliver a financial contribution via the Community Infrastructure Levy. There would be social and economic benefits from the development. It is also suggested that the current site entrance is an uncharacteristic gap in the street scene, and that the introduction of the dwelling on plot 8 would be more in keeping with the established pattern of development.
13. While I recognise that there would be benefits arising from the development, these must be weighed against the harm that I have identified would also arise. In this instance I consider that the harm would significantly outweigh the benefits.

Conclusion

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

M Chalk

INSPECTOR