



Appeal Decision

Site visit made on 26 May 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/W3520/W/19/3243074

Land Opposite Home Cottage, Lows Lane, Palgrave, Diss, Suffolk IP22 1AE

- 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 Mr John Whistlecraft against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/03576, dated 26 July 2019, was refused by notice dated 16 September 2019.
 - The development proposed is erection of 1no. two storey dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of 1no. two storey dwelling at land opposite Home Cottage, Lows Lane, Palgrave, Diss, Suffolk IP22 1AE in accordance with the terms of the application, Ref DC/19/03576, dated 26 July 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application was submitted in outline form with all matters except access and scale reserved for future consideration. I have determined the appeal on this basis, treating the plans submitted for consideration as illustrative only.
3. I have taken the address of the appeal site from the Council's decision notice as I consider that this is the clearest description of its location.

Main Issues

4. The main issues are the effect of the development proposed on:
 - the character and appearance of the site and surrounding area, including the adjacent Palgrave Conservation Area and the setting of the nearby Grade II listed building, Sunnyside Cottage; and,
 - the living conditions of neighbouring residents and residents of the proposed dwelling.

Reasons

Character and Appearance

5. The site lies adjacent to the boundary of the Palgrave Conservation Area (the CA). Paragraph 193 of the National Planning Policy Framework (the

Framework) directs that great weight should be given to the conservation of the significance of a designated heritage asset. Paragraph 190 of the Framework further advises that the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting, should be identified and assessed.

6. Planning permission is sought for outline consent, and therefore I have treated the submitted plans as indicative only. However, scale is not a reserved matter, and the plans show sufficient detail to allow me to assess the likely impact of a development of the scale proposed on the significance of the CA.
7. The development proposed would be a smaller dwelling than those on the neighbouring plots. However, the area is predominantly residential in character and there is significant variety in the scale and appearance of dwellings and in the width of plots in the wider street scene and surrounding area. This variety substantially contributes to the character of the CA. In principle, I find that a house of the scale proposed would not appear out of keeping within the street scene and the wider area, subject to securing an appropriate design as a reserved matter.
8. The plans submitted for consideration indicate two parking spaces on the frontage of the plot in a configuration that would be out of keeping with the general character of the wider street scene. However, the layout of the development is a reserved matter, and any reserved matters application would not be bound by that shown on the submitted plans. I am satisfied that a scheme could be advanced at reserved matters stage that would provide parking on-site without resulting in harm to the character and appearance of the site and wider area.
9. There is a Grade II listed building, Sunnyside Cottage, on the opposite side of Low's Lane. I have paid special attention to the desirability of preserving or enhancing the setting of this listed building, in accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. From the information before me and what I saw during my site visit, I find that the significance of the listed building derives primarily from its architectural interest. The appeal site and Sunnyside Cottage are physically separated both by distance and by being on opposite sides of the road, and I have not been made aware of any historic relationship between the site and listed building. The surrounding area is predominantly residential, and the development proposed would involve the addition of a single dwelling to the appeal site, which in principle I find to be an appropriate development in this location. I am satisfied that a suitable design can be brought forward for the development that would preserve the setting of the listed building.
10. I therefore find that the development would, subject to securing approval for the remaining reserved matters, not be harmful to the character and appearance of the site and surrounding area and would preserve the significance of the CA and the setting of the listed building. It would accord with the requirements of the Framework relating to proposals affecting heritage assets.

Living Conditions

11. Planning permission is sought for outline consent. The layout of the development proposed, including the number and siting of any windows and

doors in the dwellinghouse, is a reserved matter. These matters are therefore not under consideration as part of my determination of this appeal.

12. While the submitted plans show first-floor windows that face towards neighbouring properties, these plans are indicative only, and I cannot place any weight on these in my determination.
13. The scale of development is not a reserved matter, and therefore based on the submitted plans I am able to assess whether a house of the scale proposed would be harmful to neighbour living conditions. The house proposed would be two storeys in height but would be sited between two-storey houses on both neighbouring plots. I am satisfied that an acceptably designed and sited scheme could be advanced at reserved matters stage that would not result in an unacceptable loss of privacy through overlooking, or loss of light to neighbouring properties.
14. While the design and layout of the development are reserved matters, I am satisfied that sufficient space is available within the site to accommodate garden space that would provide acceptable living conditions for the occupants of a house of the scale proposed.
15. I therefore find, at this outline stage, that the development proposed would not be harmful to the living conditions of existing or future residents. The development would therefore accord with Policies GP1, H3, H13, H15 and H16 of the Mid Suffolk Local Plan September 1998 and Policies CS2 and CS5 of the Mid Suffolk District Core Strategy Development Plan Document September 2008. These policies require, amongst other things, that the amenities of neighbouring residents should not be unduly affected by reason of overlooking or loss of daylight, and that dwellings should be provided with private amenity space or gardens.

Other Matters

16. I have had regard to third party objections relating to disturbance from building work and the adequacy of the vehicle access and parking provision. The Council did not consider that the scheme warranted refusal on these grounds. Having reviewed the evidence submitted, and as it is outline permission that is sought, I do not see any reason to disagree with this.

Conditions

17. 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 national Planning Practice Guidance.
18. I have imposed standard conditions relating to the submission of reserved matters and the timescale for commencement. I have also imposed a condition specifying the approved plans for the sake of certainty.
19. I have imposed a condition requiring that details of site levels be submitted for approval to ensure that the finished development does not appear unduly prominent in the street scene or intrusive to the occupiers of neighbouring properties.
20. I have included a condition requiring approval of details of the external materials for the approved house. This is to ensure that the completed

development will be of an acceptable appearance within the street scene and the setting of the CA and would preserve the setting of Sunnyside Cottage.

21. I have also imposed conditions requiring the construction of the approved access and securing of visibility splays prior to occupation of the approved house. This is to ensure that the development will not have an unacceptable impact on highway safety. Furthermore, a condition requiring agreement and implementation of on-site bin storage is necessary and reasonable to prevent the bins from obstructing the highway.
22. I have included a condition requiring details of surface water management to prevent water running into the highway in the interests of highway safety.
23. I have also imposed a condition relating to discovery of unsuspected contamination which is necessary given the residential development proposed.
24. I have considered the suggested condition relating to details of loading and unloading. However, I do not have any evidence to show what details are sought by the Council, and accordingly I am not convinced that this condition is necessary. A separate landscaping condition is not required as details of landscaping fall to be provided under the reserved matters.

Conclusion

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

M Chalk

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans Ref: 20-01 Revision A, 20-04 and 30-02 Revision A but only in respect of those matters not reserved for later approval.
- 5) No development above ground level shall commence until details of the levels of the building in relation to the adjoining land and highway, and any other changes proposed in the levels of the site, have been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 6) No construction above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Before the development is first occupied the existing vehicular access shall be improved, laid out and completed in accordance with the approved details and with an entrance width of 3 metres.
- 8) Before the development is first occupied visibility splays shall be provided as shown on Drawing no. 30-02 Revision A with an X dimension of 2.4 metres and a Y dimension of 59 metres and thereafter retained in the specified form. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 9) Before the development is occupied details of the areas to be provided for storage and presentation of refuse and 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 first occupation of the house and shall be retained thereafter for no other purpose.
- 10) No construction above ground level shall commence until details have been 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.
- 11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the

site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.