



Appeal Decision

Site visit made on 12 June 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 8th July 2020

Appeal Ref: APP/W3520/W/20/3244755

Land off Pear Tree Place, High Road, Great Finborough, Suffolk IP14 3AQ

- 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 David Bates of Ruby Homes (EA) Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/04912, dated 10 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is erection of 9 dwellings including external works and access road.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 9 dwellings including external works and access road at Land off Pear Tree Place, High Road, Great Finborough, Suffolk IP14 3AQ in accordance with the terms of the application, Ref DC/19/04912, dated 10 October 2019, subject to the attached Schedule of Conditions.

Procedural Matter

2. While I note the description of development in the decision notice, I have used the description from the application form in the interests of certainty.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The site lies in an area characterised by a mix of two storey dwelling types on varied plot sizes. It also lies adjacent to open countryside such that the area retains an attractive spacious feel. At the time of my site visit, construction works were underway on the site.
5. The proposal for nine dwellings would consist of a mix of dwelling sizes on varied plot sizes that would echo the mix of houses, forms and plot sizes in the area. In addition, since the proposal would be accessed from Pear Tree Place, it would appear as an extension of the existing development and would be viewed against the backdrop of the existing dwellings. Therefore, the proposal would not appear incongruous in this respect.
6. I acknowledge the extant permission (Council ref: DC/18/03710) for seven dwellings that form the fall-back position and that that scheme would have fewer

dwelling on a slightly larger site, resulting in a lower density than the appeal proposal. I also note the additional hardstanding parking spaces and the extent of the undeveloped public open space. However, plots one and two would be similar in both the fall-back scheme and the appeal scheme. In addition, the other buildings would be in similar positions albeit with a different mix of dwelling types and sizes such that the scale and density of the proposal would not appear significantly greater than the fall-back scheme. Therefore, the appeal proposal would not have a more harmful effect on the character and appearance of the area than the fall-back position.

7. Consequently, the proposal would not harm the character and appearance of the area. Therefore, it would not conflict with Policy CS5 of the Core Strategy Development Plan Document Adopted September 2008 (CS) which among other things requires development to respect local distinctiveness. It would also not conflict with Policies GP1, H13 and H15 of the Mid Suffolk Local Plan Adopted September 1998 (LP) which among other things requires developments to be of a scale and density appropriate to the site and its surroundings and housing to be consistent with the pattern and form of development in the neighbouring area. In addition, it would not conflict with paragraph 127 of the National Planning Policy Framework (Framework) in this respect.

Other Matters

8. I note concerns regarding parking. However, the Highway Authority has not objected in this regard and from the evidence before me I see no reason to disagree. Therefore, this point has not altered my overall decision. I also note concerns regarding the management of the Open Space provision. However, this point can be dealt with through the use of a condition and has not altered my overall decision.
9. While I note concerns regarding the provision of affordable housing, since the proposal is for less than ten dwellings, this point has not altered my overall decision.

Conditions

10. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in paragraph 55 of the Framework and the guidance contained in the Planning Practice Guidance.
11. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty and to safeguard the character and appearance of the area. The conditions relating to landscaping, lighting, refuse/recycling bins and removing permitted development rights are necessary to safeguard the character and appearance of the area.
12. The suggested conditions relating to the submission of landscaping details and external facing and roofing materials are not necessary and have been omitted as these details have been provided in the submitted drawings. However, a condition relating to a landscape management plan is necessary to safeguard the long-term character and appearance of the area.
13. A condition relating to detailed surface drainage is necessary to safeguard against flooding and conditions relating to parking and construction methodology are

necessary in the interests of highway safety. A condition relating to fire hydrants is also necessary in the interests of fire safety.

14. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has confirmed that they agree to the listed pre-commencement condition.

Conclusion

15. For the reasons given above the appeal should be allowed.

R. Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 5454/9A, Plan 5454/8B, Plan 5454/7B, Plan 5454/6A, Plan 5454/5A, Plan 5454/4A, Plan 5454/3A, Plan 5454/2A, Plan 5454/1D, Plan LS 1392-01 Rev B, Plan IG19/275/221, Plan IG19/275/220, Plan IG19/275/210 Rev P1, Plan IG19/275/200.
- 3) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the local planning authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 10 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.
- 4) Prior to the commencement of development details of the construction methodology shall be submitted to and approved in writing by the local planning authority and shall incorporate the following information:-
 - i) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
 - ii) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
 - iii) Details of how construction and worker traffic and parking shall be managed.
 - iv) Details of any protection measures for footpaths surrounding the site.
 - v) Details of any means of access to the site during construction.

- vi) Details of the scheduled timing/phasing of development for the overall construction period.
- vii) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- viii) Details of the siting of any on site compounds and portalooos.
- ix) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.

The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the local planning authority.

- 5) The use shall not commence until a detailed strategy for the disposal of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall then be fully implemented, prior to first occupation, as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 6) Before the development is first occupied or brought into use, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 7) The buildings hereby permitted shall not be occupied until the area within the site shown on the approved drawings, for the purposes of loading, unloading, manoeuvring and parking (including garage spaces as applicable) of vehicles has been provided and made functionally available. Thereafter those areas shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.
- 8) Prior to the first occupation of the buildings hereby permitted, the areas to be provided for storage of refuse/recycling bins shall be provided in its entirety in accordance with a scheme which shall first have been submitted to and approved, in writing, by the local planning authority. The areas shall be retained thereafter for no other purpose.
- 9) Prior to the first occupation of the buildings hereby permitted, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the local planning authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed. The fire hydrants shall be retained thereafter.
- 10) Details of any external lighting shall be submitted to and approved in writing by the local planning authority and shall be carried out in accordance with the approved details before the buildings hereby permitted are occupied. The external lighting shall be retained thereafter.
- 11) 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 enlargement, improvement, insertion of new openings or other alteration of the dwelling houses shall be carried out, - no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, other than those expressly authorised by this permission.

END OF SCHEDULE