
Appeal Decisions

Site visit made on 11 August 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal A Ref: APP/X3540/W/20/3253049

3 Ivy Cottages, The Street, Darsham IP17 3QA

- 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 Robert Neobard against the decision of East Suffolk Council.
 - The application Ref DC/20/0541/OUT, dated 9 February 2020, was refused by notice dated 22 April 2020.
 - The development proposed is a new build dwelling.
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Appeal B Ref: APP/X3540/W/20/3253509

3 Ivy Cottages, The Street, Darsham IP17 3QA

- 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 Robert Neobard against the decision of East Suffolk Council.
 - The application Ref DC/20/0540/OUT, dated 9 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is a new build dwelling.
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Decisions

1. Appeal A is allowed and planning permission is granted for a new build dwelling at 3 Ivy Cottages, The Street, Darsham IP17 3QA in accordance with the terms of the application, Ref DC/20/0541/OUT, dated 9 February 2020, subject to the following conditions:
 - 1) Details of the appearance, (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) No development above ground level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
2. Appeal B is dismissed.

Preliminary Matters

3. The applications were made in outline with all matters, save for 'appearance', to be determined at this stage. I have dealt with the appeals on that basis.
4. As set out above there are two appeals which relate to different parts of the curtilage to 3 Ivy Cottages. Both applications were refused for identical reasons by the Council. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this document.

Main Issue

5. This is the effect of the proposals on the character and appearance of the area.

Reasons

6. The appeal site comprises the spacious residential curtilage to 3 Ivy Cottages, an end-terrace property located on the south side of The Street in the rural village of Darsham. The surrounding area is characterised by residential properties arranged in linear form along The Street. Although most properties address the road, the area lacks a uniform architectural approach.
7. There are two proposals. In Appeal A, the proposal is a two storey, 'infill' dwelling. This would address The Street and align roughly with No 3 and the property to the east known as Goldsworth. I will refer to this proposal as "*the infill dwelling*".
8. In Appeal B, the proposal is for a two-storey dwelling located in the rear garden of No 3. The dwelling would be served by a 3.5 m wide access to the east of No 3. I will refer to this proposal as "*the backland dwelling*".

The Infill Dwelling

9. The proposed dwelling would be of a similar scale to No 3 and sited roughly equidistant between No 3 and Goldsworth. Whilst it would significantly erode the existing gap between the two dwellings, there is little uniformity in the spacing of buildings along the southern side of The Street. The Council have referred to the width of the plot being uncharacteristically narrow. Whilst there is some merit in that argument when one looks at the southern side of The Street as a whole, the dwelling would be seen and read in the context of the terrace of three dwellings to the west. Accordingly, I am not persuaded that is a compelling reason to dismiss the appeal.
10. The dwelling would be set back generously from the roadside along the same building line as its neighbours. There would be ample room to accommodate the necessary parking and landscaping to the site frontage. Although the rear of the dwelling would project beyond No 3, that would not be readily apparent from public viewpoints.
11. The Council do not argue that the 250m² of rear amenity space would be substandard and I see no reason to take a contrary view particularly as it would appear to sit within the range of garden sizes found in the immediate area. The Council also argue that the occupiers of No 3 would be subjected to noise and disturbance from the proposed driveway. Whilst I note that one parking space is shown to the rear of the property, the reasons for this are not clear, given that two spaces could be accommodated on the frontage area. In

any event, the noise generated by a single parking space would not be significant and any noise would be short-lived and mostly during daylight hours.

12. Matters pertaining to the fenestration pattern would be a matter to be considered at the reserved matters stage. Nonetheless given the limited number of habitable room windows in the flank wall to No 3, I can see no obvious reason why at least some windows could not be formed and a satisfactory design achieved.
13. Overall, I am satisfied that the infill dwelling would not conflict with Policies DM7, DM21, DM22, and DM23 of the "*East Suffolk Council - Suffolk Coastal Local Plan (Core Strategy & Development Management Policies 2013*" (the CS). Amongst other things these seek to ensure infilling within physical boundary limits does not result in poor design which is cramped and out of character with the surrounding street scene.

The backland dwelling

14. The dwelling would lack a frontage to The Street, something which is a key characteristic of the area. The shape of the plot and the siting of the dwelling within it, including its orientation to existing dwellings, would be most irregular. The site plan shows that the front (north-east) corner would be built right up to the proposed driveway.
15. Although a good level of amenity space would be provided to the dwelling, its siting to the rear of 1-3 Ivy Cottages would appear awkward and contrived and out of character with the linear settlement pattern in the vicinity. In my view, the plot shape and proposed siting, would represent a conspicuous departure from the pattern of development in the immediate area.
16. I have noted the Council's concerns regarding the workability of the access and parking arrangements. However, given the limited number of parking spaces to be served by the driveway, I do not consider the layout would give rise to any significant safety or amenity issues.
17. I have noted the amended drawings submitted by the Appellant with the appeal but this would not address the concerns I have set out above. I therefore conclude that given its atypical back-land location and its contrived layout, the development would harm the character and appearance of the area contrary to CS Policies DM7, DM21, DM22, and DM23.

Other Matters

18. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) states that all residential proposals within the 13km Zone of Influence are required to make a contribution towards the measures outlined in the RAMS in order to avoid and mitigate adverse effects from increased recreational disturbance.
19. The Appellant was critical of the Council's approach stating that he was not given sufficient information on how to resolve the matter. Because of that, I wrote to the parties outlining my findings in relation to the suggested contribution and giving a period of time for the necessary contribution to be made. In response the Appellant has provided confirmation that the

contribution has been made. As such, I am satisfied that the Council's second reason for refusal falls away.

Conclusion

20. For the reasons given above and taking account of all other matters raised, I conclude that appeal A should succeed and appeal B should be dismissed.
21. The Council has not suggested any conditions, I have therefore imposed conditions covering time limits and external materials in the interests of proper planning and to ensure the satisfactory appearance of the development.

D. M. Young

Inspector