
Appeal Decision

Site visit made on 20 August 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/X3540/W/20/3251395

Rivendell, Church Road, Mutford, Suffolk NR34 7UZ

- 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 Mrs T Robinson against the decision of East Suffolk Council.
 - The application Ref DC/19/3773/FUL, dated 20 September 2019, was refused by notice dated 10 January 2020.
 - The development proposed is erection of single storey dwelling, drive access, fencing, materials.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises part of the rear garden of the donor property, Rivendell, and a strip of agricultural land running between Beccles Road and this garden area. Rivendell is a two-storey detached dwelling that forms part of a linear pattern of development along Church Road. Rivendell and its neighbouring property Hollywell, are set back from the predominant building line along the length of this road. Whereas the majority of neighbouring properties have modest sized rear gardens, Rivendell benefits from a larger plot where its rear garden extends beyond the rear garden of Hollywell. A mature high hedge forms the boundary between the appeal site and Hollywell. Beyond the garden lies paddocks and open countryside.
4. The area has a pleasing semi-rural character whereby dwellings predominantly front the road and rear gardens face open countryside. Notwithstanding the presence of ancillary domestic outbuildings and structures the site is largely free from built form. In this way, the appeal site conforms with and positively contributes to the character of the area.
5. The principle of residential development within the garden area is considered acceptable in planning policy terms because it is situated within the defined settlement boundary. This is, however, a starting point for determining if a proposal is acceptable when considered against the policies of the development plan as a whole. I note that the proposed access to the site is situated outside

of the settlement boundary in the designated countryside, where the principle of residential development is not generally supported.

6. Both main parties have referred me to previous planning applications at the site and to a dismissed appeal¹. The appeal scheme before me has been designed to address the concerns around the earlier proposal in terms of that proposed dwelling's scale and position and access arrangements, whereby access to the site was from Church Road along the existing driveway of Rivendell.
7. The appeal scheme would result in a sizeable U-shaped, single storey, three-bedroom dwelling together with parking and turning and garden areas to the rear of Rivendell, Hollywell and Nos 3 and 4 Beccles Road. Despite the single storey design of the proposed dwelling, its layout sited to the rear of existing dwellings, positioned tight up against its north west boundary and very close to its south eastern boundary, with only a comparatively small garden area at the rear and a frontage dominated by a long access and a parking and turning area, would be out of character with the prevailing pattern and layout of nearby residential development. In this context, notwithstanding the overall size of the site, the proposed dwelling would also appear unduly cramped within its plot.
8. Although the proposed dwelling would not be served by an access that passes through the garden of Rivendell, it would still appear as a tandem form of development, at odds with the predominant linear form of development in this part of the village. I acknowledge that its single storey height and traditional 'U' shaped farm building form would largely be screened from direct views outside of the site, including from nearby public footpaths. It would, nevertheless, be apparent from nearby properties and its presence would be emphasised by the location of the proposed access. I do not consider this arrangement to constitute a street frontage.
9. The proposal would require a new access, through agricultural land, onto Beccles Road. Provision of the access would necessitate the removal of at least one semi-mature Oak tree, a section of hedgerow and a lowering of the bank. The access would start at right angles to the road before turning towards the site. Despite the proposed biodiverse planting scheme and the willingness of the appellant to improve the roadside hedgerow outside of the appeal site, and to translocate the Oak tree or to include 10 foot tall Oak trees within the landscaping scheme, the result would be a visually intrusive and contrived residential access which would appear at odds with the rural character of this part of the road.
10. Whilst the proposed planting could offer some biodiversity benefits, and some screening of the access, because of its length and direction of travel along the field edge, beside and to the rear of existing dwellings, the proposed access would not integrate well with its surroundings. I do not consider the presence of the access further along Beccles Road to be a comparable example which offers support to the appeal proposal. This is because that access appears as a boundary between fields, leading to a stand-alone property, rather than as an interruption of an established field boundary, leading to backland development.

¹ APP/T3535/W/18/3212250

11. Evidence of an historic field access in the position of the proposed access, and that vehicular access from Beccles Road to the rear of Rivendell already takes place, does not persuade me that the proposed access would be acceptable. I saw at my site visit that access to the rear of Rivendell across the field is low key, as evidenced by the limited and faint track marks in the ground. Such use is not directly comparable to the urbanising effect that the proposed access would have on the rural character and appearance of the area, in terms of both physical alterations and the intensity of use.
12. Accordingly, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area. Thus, it would conflict with Policies WLP8.29, WLP8.33 AND WLP8.35 of the East Suffolk Council - Waveney Local Plan 2019, and Policies MNP.4 and MNP.1 of the Mutford Neighbourhood Plan 2019. Together and amongst other matters, these policies require development to respond to local context and be sympathetic to, enhance and reinforce existing landscape character.

Other Matters

13. The application site is located within the zone of influence of two designated European sites: Minsmere Walberswick Special Protection Area (SPA) and Special Area for Conservation and Benacre to Easton Bavents SPA. In this instance, the Council has raised no objection to the scheme's impact in this regard, stating that the appellant has made the required financial contribution toward the Suffolk Recreation Avoidance Mitigation Strategy. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here.
14. I note the conditional support for the proposal by the Parish Council, but this does not lead me to a different overall conclusion on the main issue.

Other Considerations

15. The development would result in a net gain of one dwelling. The overall contribution to the supply of housing would be minimal. The appellant has advised that the development would be self-build and suitable for all types of occupiers, would release a large home for a family to occupy and would largely occupy brownfield land. These benefits would be modest commensurate with the scale of development proposed. The proposal would have economic benefits resulting from both the construction and subsequent occupation of the proposed dwelling and the support by future occupiers for services and facilities. I attribute modest weight to these benefits because of the scale of development proposed.
16. The proposal could provide biodiversity enhancements. This benefit would be modest proportionate to the level of planting proposed. Other issues where no material harm has been identified, would be neutral in the overall planning balance.
17. However, I have found that the proposal would give rise to unacceptable harm to the character and appearance of the area. This is a matter I give significant weight. Overall, the modest benefits would be outweighed by the harm that I have identified. Consequently, no material considerations justify a decision other than in accordance with the development plan.

Conclusion

18. For the reasons above the appeal is dismissed.

S Tudhope
Inspector