



Appeal Decision

Site visit made on 21 September 2020

by D. Szymanski. BSc (Hons) MA. MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2020

Appeal Ref: APP/F3545/W/20/3253990

5 Norse Avenue, Stanningfield, Bury St Edmunds, Suffolk, IP29 4RN

- 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 Kevin Sobkowiak against the decision of West Suffolk Council.
 - The application Ref: DC/19/2127/FUL dated 21 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is single storey detached dwelling with off-street parking following demolition of existing garage and single storey element of the host dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for a single storey detached dwelling with off street parking following demolition of existing garage and single storey element of the host dwelling at 5 Norse Avenue, Stanningfield, Bury St Edmunds, Suffolk, IP29 4RN in accordance with the terms of application Ref: DC/19/2127/FUL dated 21 October 2019, subject to the conditions set out in the schedule attached.

Procedural Matters

2. Some painted images of the appeal site indicating they are 'before' and 'after' were submitted with the appeal. They are not to scale and appear to differ from the proposal plans. Consequently, I have not treated these as part of the proposed scheme and have not used them as a basis to determine this appeal.
3. Plan/drawing 2166/SK6A labels an existing close boarded fence to be retained. The line indicating the extent of the fence extends along eastern and northern appeal site boundaries, reflecting the extent of fencing at my visit. Therefore, I have taken this to be the extent of fencing that is proposed to be retained.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

Character and appearance

5. Norse Avenue is characterised by detached, semi-detached and small terraces of one and two storey properties that mostly address the highway or communal parking areas. On the adjacent Vikings Close dwellings are semi-detached or in a terrace of three grouped around a parking and circulation area. The layout

of the dwellings has flank elevations fronting the highway in two instances on both Norse Avenue and Vikings Close. To the south of Norse Avenue, the dwellings facing Bury Road back onto an access road and parking area. Therefore, dwellings in the vicinity of the appeal site exhibit a mixed character with respect to height, layout, position and orientation.

6. The new dwelling would front Norse Avenue and a new parking area, which would not be out of keeping with the layout of other dwellings and parking facilities nearby. Its position, orientation, alignment and spacing in relation to the layout of dwellings and access/parking on Vikings Close, would result in it having an adequately close relationship with the small square of dwellings. Backing onto that parking and circulation area with a flank elevation facing the access road would be reflective of and in keeping with the layout of dwellings on both Vikings Close and to the north of Norse Avenue. Consequently, the development would appear well-related to the nearby layouts and would not appear contrived, isolated or incongruous.
7. The gap between the sides of the new dwelling and the plot would be similar to Nos. 1, 2 and 19 Norse Avenue. Furthermore, the front amenity areas of 1, 2, 4, 5 and 6 Vikings Close are also similarly modest in size. The overall plot size and rear amenity space would be similar to many surrounding properties. Therefore, I am satisfied that the development would not appear cramped or out of keeping with respect to its spacing and plot size.
8. The removal of a small section of front garden space, a single storey side projection and garage to create the access and parking area would reduce the symmetry between Nos. 5 and 6. However, the majority of the pairs of semis on Vikings Close and some on Norse Avenue lack full symmetry. The limited increase in width and depth of the driveway adjacent to the entrance to Vikings Close, would retain some visual division from Vikings Close by retaining much of the existing boundary fence. Sizeable communal parking areas are frequently visible nearby on Norse Avenue, Vikings Close and to the rear of Bury Road. Being two spaces wide by two spaces deep would be comparable to the other parking areas. Therefore, the development would not be out of keeping with or harmful to the character and appearance of the area.
9. Appeal decision Ref APP/E3525/W/19/3227102 at the appeal site for a 1½ storey dwelling was dismissed due to its effect on the character and appearance of the area. I do not have the full details of that scheme before me. However, that previous scheme appears to differ to the scheme before me due to its height, position, layout and relationship with Vikings Close.
10. For the reasons set out above the development would not be harmful to and would be in keeping with the character and appearance of the area. It would be compliant with Policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and Policy CS3 of the St Edmundsbury Core Strategy (December 2010). In combination and amongst other things, these policies require development should contribute to a high-quality environment, maintaining a sense of place and character by recognising local characteristics, and contributing to a coherent and legible place. In-light of the absence of a specific reference from the Council, I do not find conflict with the design policies of the National Planning Policy Framework (2019).

Other Matters

11. The Council raises no objection in respect of the living conditions of future or neighbouring occupiers. The site is separated from No 6 Norse Avenue by a low-level wire fence, which is proposed to be replaced. To ensure the development provides acceptable living conditions the details of boundary treatments should be subject to a condition that they be submitted to and approved by the Council. The Council is satisfied the risk from contamination is low such that conditions are not necessary, and I see no reason to disagree.

Conditions

12. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance. As well as the standard condition for commencement, compliance with the approved plans is necessary to provide certainty. In the interests of visual amenity, it is necessary to impose a condition in relation to external materials. In the interests of visual amenity and the living conditions of neighbouring and future occupiers a condition is necessary to secure the approval of boundary treatments. In the interests of the living conditions of neighbouring occupiers it is necessary to impose a condition to remove permitted development rights for windows, dormer windows, roof lights or openings above ground floor level.
13. In the interests of highway safety, a condition is necessary to require the access is constructed to a suitable standard in accordance with a previously agreed specification for the appeal site. A condition is necessary for parking areas to be provided prior to the dwelling being occupied and their subsequent retention. In the interests of highway safety and convenience a condition is necessary to secure the provision of a refuse and recycling storage area. In the interests of the living conditions of neighbouring occupiers, it is necessary to impose a condition in respect of hours of working during construction.
14. To facilitate the uptake of electric vehicles in the interests of minimising emissions a condition is necessary to require the provision of a vehicle charging point. To comply with the requirement for proposals to be environmentally sustainable it is necessary to impose a condition in respect of the optional requirements for water consumption in Part G of the Building Regulations.
15. The suggested informative advice in respect of the developer's obligations if encountering contamination does not carry legal weight and cannot be used in place of a condition. However, based upon the information before me it is not necessary, as this matter is subject to other legislation under the Environmental Protection Act 1990. A similar principle applies to the advice in respect of ensuring any works in the highway have the prior permission of the Highway Authority.

Conclusion

16. For the reasons set out above, and having regard to all the matters raised, the appeal should be allowed, and planning permission is granted.

Dan Szymanski

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans and drawings: Location Plan; 2166/SK5A; 2166/SK6A; 2166/CO(76)01; 2166/CO(74)01.
- 3) No construction shall take place above slab level until the details of the materials to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 4) No construction shall take place above slab level until the details and heights of all of the boundary treatments for the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details.
- 5) No construction shall take place above slab level until the full details of the new vehicular access, including but not limited to the width and the visibility splays, has been submitted to and approved in writing by the Local Planning Authority. The vehicular access shall be laid out and completed in all respects in the approved form, and made available for use, prior to the first occupation of the dwelling and shall be retained in the specified form thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order with or without modification), no windows, dormer windows, roof lights or openings of any kind, other than those expressly approved by this permission shall be constructed above ground floor level on all elevations.
- 7) The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2166/SK6A shall be provided in their entirety prior to the first occupation of the dwelling hereby permitted and shall be retained thereafter for no other purpose.
- 8) Prior to the first occupation of the dwelling hereby permitted, the areas within the site shown on Drawing No. 2166/SK6A for the purposes of parking of vehicles shall be provided. Thereafter the areas shall be retained and used for no other purpose.
- 9) Site preparation, construction and delivery works shall only be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:00 Saturdays and at no time on Sundays or Bank Holidays, without the prior written consent of the Local Planning Authority.
- 10) Prior to the first occupation of the dwelling hereby permitted, the off-street parking area shall be provided with an operational electric vehicle charge

point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.

- 11) The dwelling hereby permitted shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with and evidence of compliance has been submitted to the Local Planning Authority.

End of Schedule.