



Appeal Decision

Site visit made on 8 September 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/F3545/W/20/3254739
57 Thetford Road, Brandon IP27 0BZ

- 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 Alan Cox against the decision of West Suffolk Council.
 - The application Ref DC/20/0251/FUL, dated 7 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is described as "retrospective planning permission for the already converted ancillary living accommodation with parking to the rear of the property and amenity space to the front of the property".
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Decision

1. The appeal is allowed and planning permission is granted for change of use of annexe accommodation to a dwelling with associated access and parking at 57 Thetford Road, Brandon IP27 0BZ in accordance with the terms of the application, Ref DC/20/0251/FUL, dated 7 February 2020, subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. The application has been submitted retrospectively. I have dealt with the appeal on that basis.
3. The description of development in the banner heading above is taken from the application form. The Council in its decision notice described the development as 'Continued use of annexe as a self contained dwelling with associated access and parking (retrospective) (Previous Application DC/19/2042/FUL)'. The appellant also used this description in the appeal form. It is evident from the application and the Council's officer report that the appellant seeks the change of use of annexe accommodation to a dwelling with associated access and parking. Both parties have agreed to this description and this is the description I have used in my formal decision. As 'retrospective' and 'continued use' are not acts of development I have omitted these terms.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area and;

- whether the development provides acceptable living conditions for the occupiers of both dwellings, with particular regard to noise and disturbance and privacy.

Reasons

5. There is no dispute that the appeal site lies within the development boundary of Brandon, and as such the principle of residential development is acceptable in planning policy terms. The appeal building is a part single storey and part two storey dwelling which has been internally subdivided to form two separate dwellings. Originally the subdivision was for annexe accommodation. The proposal seeks to provide parking for both dwellings at the rear of the plot at the end of the existing driveway. The external space around the building has been allocated such that the land at the rear, except for the access and proposed parking area, serves the two bedroom dwelling which is in the rear of the building. The land at the front of the plot is the amenity space for the one bedroom dwelling which is in the front of the building.
6. The proposal would result in a semi-detached property, albeit the subdivision would be horizontal rather than perpendicular to the road. The smaller unit at the front of the site is single storey and the larger unit at the rear is two storey. From the street, due to the sloping topography of the site, the development appears as a single storey dwelling. The existing building is externally unchanged by the subdivision, being dependent on internal reconfiguration only. The principal change would be that the parking area at the rear of the site would serve two smaller units rather than a single dwelling and its annexe; though that too would have a minimal effect on the appearance of the site.
7. The appeal building appears somewhat out of character with its surroundings, whereby the predominant building type is two storey semi-detached properties fronting the road. There is no defined dominant building line but the appeal building sits further back in its plot than its neighbouring properties to either side. Some properties within the street have large front garden areas and others have very shallow ones. Many properties have off road parking to the road frontage.
8. The Council considers that the development fails to respect the established linear form, character and pattern of development in the locality and that dwellings being located behind each other in such a way is out of character with the established urban grain of the surrounding area. It also considers that the occupiers of each unit are ostracised from their own amenity space areas, which represents a poor layout and results in noise and disturbance to the occupiers of both units.
9. I find these arguments to be poorly founded given that the development does not incorporate any physical external alterations, and in that respect, there would be no obvious alteration to the current character or appearance of the site. From my site visit it was not obvious in the street scene that the building is being occupied as two separate dwellings. The appeal development maintains its appearance as a single storey dwelling set back from the road. In addition, the layout is such that the amenity spaces are immediately adjacent the unit to which they relate. Further, the access already exists along the side of the building and extends to the rear of the plot.

10. The development layout, whereby the smaller unit is at the front of the building and the larger unit is at the rear of the building, would not introduce any undue overlooking between the two, by virtue of the fact that there are no windows from either unit that face the other unit, or face the external amenity space of that neighbour. Each dwelling is provided with its own external space. Any activity within either of the separate external spaces would not result in unacceptable levels of noise and disturbance to the neighbouring occupiers because the spaces are directly connected to the dwellings they serve, not remote from them.
11. Consequently, I do not consider that the physical arrangements of the subdivision would be any different to other semi-detached dwelling arrangement in terms of noise and disturbance. I have no substantive evidence to indicate that this would be the case and the Council's Environmental Team did not raise any concerns.
12. Parking at the time of my visit was within the driveway alongside the garden area at the rear of the building. The proposed parking area was partially occupied by three small sheds and other domestic paraphernalia. However, should the appeal be allowed, a condition could be imposed requiring the provision of the proposed parking area within a specific timescale.
13. I therefore conclude that the development does not have a harmful impact on the character and appearance of the area and provides acceptable living conditions for the occupiers of both dwellings, with particular regard to noise and disturbance and privacy. Consequently, it does not conflict with Policies DM1, DM2 or DM22 of the West Suffolk Joint Development Management Policies Document 2015 or Policy CS5 of the Forest Heath District Council Core Strategy 2010. Together and consistent with the National Planning Policy Framework (the Framework) these policies seek to ensure good quality design that maintains local character and protects residential amenity.

Conditions

14. I have considered the Council's suggested conditions in the light of advice in the national Planning Practice Guidance and Paragraph 55 of the Framework. Given the change of use has already taken place, a time limit condition is not necessary.
15. Although the development has been undertaken in respect of the internal subdivision and occupancy of the building, the plans include the details of the external layout in relation to amenity areas and parking arrangements. Therefore, for certainty, I have imposed a plans condition.
16. It is also necessary to impose conditions stipulating the timescale in which the parking area and refuse and recycling storage areas should be provided. There is a strict timescale for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the provision of these matters before the development occurs. These conditions will ensure that the development can be enforced against if the requirements are not met. I consider this to be a proportionate approach in respect of these requirements.
17. I am not imposing the Council's suggested condition relating to sound insulation. I do not consider it to be fairly or reasonably relevant to the

development being permitted. This is because the residential use of the building is long established and therefore, sensitivity to Ministry of Defence related noise would not be increased by the appeal being allowed.

Conclusion

18. For the reasons above the appeal is allowed

S Tudhope

Inspector

Schedule of Conditions

1. The development hereby permitted relates to the following approved plans: Location Plan; Proposed Layout and Elevations Drawing No 054 and; Proposed Block Plan Drawing No 054.
2. Within 6 months of the date of this permission, the area within the site shown on the 'Proposed Block Plan Drawing No 054' for the purposes of manoeuvring and parking of vehicles, shall be provided in accordance with that approved plan and thereafter shall be retained and used for no other purpose.
3. Within 1 month of the date of this permission the area within the site shown on the 'Proposed Block Plan Drawing No 054' for the storage of refuse/recycling bins shall be provided in accordance with that approved plan and retained thereafter for no other purpose.

END OF SCHEDULE