



Appeal Decision

Site visit made on 15 September 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/W3520/W/20/3251481

10 Lower Crescent, Barnham, Ipswich IP6 0PF

- 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 Woollorton against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/00617, dated 11 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is described as the "erection of detached dwelling and garage".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, landscaping, layout and scale are reserved for future determination. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on the:
 - living conditions of future occupiers of the proposed dwelling and the occupiers of 10 Lower Crescent with particular regard to noise and disturbance; and,
 - character and appearance of the area.

Reasons

Living Conditions

4. The appeal site forms part of the rear garden of the host property. The proposal seeks to demolish an existing garage to the front of the building to create an access into the site, and demolish a further outbuilding in the rear garden. The proposed development would utilise the existing access which runs along the eastern boundary of the appeal site and adjacent to the side elevation of the existing dwelling.

5. A single storey dwelling with a garage and a parking and turning area would be erected to the rear of the host property. The Council consider that noise and disturbance from the use of the access for the proposed dwelling would impact on the living conditions of the occupiers of the existing property. However, the proposed access is not particularly long and runs along the side elevation of the existing property which only contains a small window.
6. In addition, the development only proposes a single dwelling which would not generate significant levels of traffic, and although only an illustrative drawing, the layout proposes a 1.8m fence and garage between the parking and turning area for the proposed dwelling and the garden area of the existing property. As such, I do not consider that the access for the proposed dwelling would impact on the living conditions of occupiers of the existing property to a significant degree.
7. Nevertheless, the Council also argue that the A14 and an adjoining quarry would impact on the living conditions of future occupiers of the dwelling through noise and disturbance. The appeal site immediately abuts the A14 dual carriageway which sits at a higher level than the dwelling, with traffic visible through the landscaping as it passes the site. The quarry is to the northwest of the appeal site.
8. The appellant has provided details of noise attenuation measures that would be incorporated into the design of the proposed dwelling. In addition, the appellant makes reference to the use of low noise road surfaces, vehicle tyre improvements and 'living walls' that would reduce overall noise from road traffic.
9. Notwithstanding the bund that exists between the A14 and the appeal site, traffic and road noise is clearly audible from within the site. Whilst I accept that layout, appearance and scale are matters reserved for future consideration, given its constraints, there are limited opportunities within the site to position the proposed dwelling a significant distance from the main source of noise produced by the A14.
10. Furthermore, I have not been provided with any substantive evidence that such surfacing has been used on the A14 where it passes the site or that the use of tyres to limit noise are having the desired effect. Moreover, although I acknowledge that there is an intent to reduce noise from traffic and roads, the use of noise reducing road materials on the A14 is beyond the remit of the appellant and is not something that the Council can control.
11. In addition, the appellant has failed to provide an impact assessment of the noise produced by the A14 and the quarry and I cannot be certain that the attenuation measures proposed would protect occupiers of the proposed dwelling. Indeed, the appellant recognises the development's shortfall by accepting that it is not possible to accurately calculate internal noise levels until details of the site layout and elevations of the proposed dwelling is available. Furthermore, while I acknowledge that the noise attenuation measures proposed could be supplemented by additional landscaping through a 'living wall', this would take some time to mature and could not be relied upon to become permanent.
12. Turning to noise from the quarry to the northwest of the site, the appellant refers to a development at 3 Lower Crescent that was granted planning

permission for a new dwelling in recent months, yet is closer to the quarry than the appeal site. However, I have very limited information relating to the development approved at that site and what, if any, noise mitigation measures were proposed as part of the development.

13. Thus, although I have found that the proposal would not impact on the living conditions of occupiers of the existing dwelling, I have found that the proposal would result in harm to the living conditions of future occupiers of the proposed dwelling. It would be in conflict with paragraph 127 (f) of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Character and Appearance

14. The appeal site forms part of a development of dwellings along Lower Crescent. The area is generally rural in character with Lower Crescent forming a group of properties set within relatively spacious plots. On the whole, properties have gardens to the rear that tend to be undeveloped, containing domestic structures such as sheds and other outbuildings.
15. There are other dwellings in the vicinity and in that respect, the proposal would not represent an isolated dwelling in the countryside. I acknowledge that the resultant garden area for the host dwelling would be sufficient to sit out and that the Council does not have minimum space requirements for dwellings. However, the proposal would sever the majority of the existing curtilage from the host property, and whatever its final layout, the proposed dwelling would create an in-depth development that would fail to integrate with the built form along Lower Crescent which does not include such a pattern of development.
16. Moreover, although the appellant comments that the site is close to the play area and open space to the southwest, the proposed dwelling would nonetheless reduce the amount of space about the existing property, and spatially they would appear as a cramped and incongruous form of development. This would be in contrast to that which exists in the vicinity and is largely typified by dwellings that face onto a road, are separated by relatively spacious plots and have decent sized rear gardens.
17. I note that the Council has accepted smaller garden areas for developments on the eastern side of the A14 at Jackson Place, Barnham. The appellant also refers to 9 Lower Crescent as an example of a smaller garden. However, although some properties have smaller gardens in comparison to those that surround them, it does not reflect the majority of development in the area or set an irresistible precedent to find in favour of a proposal that is otherwise harmful.
18. Accordingly, the development would result in harm to the character and appearance of the area. It would be in conflict with Policies GP1, H13, H15 and H16 of the Mid Suffolk Local Plan 1998 which seek, amongst other things, to ensure that developments are of a scale and density appropriate to the site and its surroundings and consistent with the pattern and form of development in the neighbouring area. In addition, it would be in conflict with paragraph 127 of the Framework in this respect.

Other Matters

19. The appellant comments that the Council did not consult its Environmental Protection Officer on the impacts of the proposed development. Although I have carefully considered the argument put forward on this particular matter, it is nonetheless for the appellant to demonstrate that the development is otherwise acceptable.

Conclusion

20. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR