



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: 8 October 2020

Appeal Ref: APP/W3520/20/3249343

Freehold House, Freehold Road, Needham Market IP6 8DU

- 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 Scott & Bates Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/05154, dated 1 November 2019, was refused by notice dated 2 December 2019.
 - The development proposed is described as the "erection of one single storey dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with all matters 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:
 - character and appearance of the area; and,
 - living conditions of adjoining occupiers with particular regard to outlook and light.

Reasons

Character and Appearance

4. The appeal site forms part of the rear garden which has been severed from the host property, which is roughly rectangular in size and is an area of mainly unmanaged grass, shrubs and hedging. The area is predominantly residential in character and contains a variety of size and style of property which are on the whole, arranged in a linear manner facing onto the road. Properties in the vicinity tend to have gardens to the rear that are undeveloped, containing domestic structures such as sheds and other outbuildings.
5. The proposal seeks to erect a single storey dwelling on the site. The indicative drawing submitted with the appeal depicts a dwelling with a pitched roof positioned almost centrally within the site, with its own dedicated parking and

turning area along with a private rear garden. Entrance into the site would be via an access that lies to the side of the existing property.

6. Freehold Road contains a mixture of properties, of which there are examples of in-depth or backland dwellings sited behind frontage development. Nevertheless, this type of development is mainly confined to areas adjacent to the railway line. Whilst I acknowledge that such an arrangement of dwellings exists in the vicinity, it does not reflect the linear layout which forms the majority of development within the area. Therefore, whatever its final form, the siting of the proposed dwelling behind an existing frontage dwelling would appear at odds with the prevailing character of the area and would fail to respond to local distinctiveness. It would create a discordant form of development, out of keeping with the area's established suburban grain, in particular the linear arrangement of dwellings in the vicinity.
7. Thus, the development would be in conflict with Policies GP1 and H13 of the Mid Suffolk District Council Local Plan 1998 (the Local Plan) and paragraph 127 of the National Planning Policy Framework which seek, amongst other things, to ensure that developments respect, maintain or enhance the character of its surroundings and be of a high standard of design and layout.

Living conditions

8. Immediately northeast of the appeal site is a terrace of cottages that have their principal elevations looking across the site. Although an existing hedge separates the appeal site from the cottages, there is still a good level of inter-visibility between the two areas with the first floor windows of the cottages clearly visible from within the site.
9. The appellant argues that the single storey nature of the development would reduce any impact on the living conditions of adjoining occupiers. Moreover, design measure such as a flat roof or locating the dwelling further into the site could also reduce its impact on neighbouring properties. However, given its spatial limitations, whatever the final siting of the proposed dwelling within the site, it would still be very close to the shared boundary with the terrace of cottages, most notably, Nos. 15 and 17.
10. The erection of a single storey dwelling would still create a large mass of building in close proximity to the shared boundary and the principal elevations of Nos. 15 and 17, resulting in an overbearing and domineering form of development when viewed from the first floor windows, harming the outlook that the occupiers of these properties currently enjoy. While I acknowledge the presence of the hedge between the sites, I am not persuaded that it provides an effective screen and, in any event, it cannot be relied upon to remain in perpetuity.
11. Moreover, given the orientation of the terrace of cottages to the northeast of the appeal site, it is likely that loss of light to Nos. 15 and 17 would also occur. While I acknowledge that any loss of light may be limited to summer months, and notwithstanding its final design, the proposed dwelling is likely to be significantly higher than the hedge on the boundary. Furthermore, I am not persuaded that the existing hedge represents an appropriate reason to further degrade any light these properties may receive and it is highly probable that the hedge could be cut back should it restrict light to unacceptable levels.

12. Thus, the development would result in harm to the living conditions of adjoining occupiers. It would be in conflict with Policies H13 and H16 of the Local Plan which seek, amongst other things, to ensure that developments do not materially reduce the amenity of adjacent dwellings.

Other Matters

13. My attention has been drawn to an appeal which allowed two dwellings to the rear of 8 Freehold Road¹, and a further development almost opposite the site, as examples of backland development within the area. With regard to the development opposite the appeal site, I do not have the details before me that led to these dwellings being accepted by the Council. In addition, these developments are within larger plots than the appeal site and are set much further back from the dwelling they sit behind. The development approved at appeal also sought to sub-divide an existing dwelling on the site. Consequently, I do not find these developments to display sufficient similarities to the proposal before me to represent an irresistible precedent in favour of the appeal. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
14. The appellant also makes reference to the ability to carry out developments within the appeal site under permitted development rights. Whilst that may be the case, I have not been presented with any substantiated evidence which would indicate that developments permitted under such rights would have an equivalent or greater impact on the character and appearance of the area, or the living conditions of adjoining occupiers, than the proposed dwelling.
15. I acknowledge that, despite its spatial shortcomings, the design of the dwelling could be acceptable and that suitable materials could be employed. I also accept that the development would seek to boost the supply of smaller housing within the District and that Needham Market provides a range of facilities and services to enable a sustainable form of development. The proposal would also provide economic benefits during its construction and following its completion, whereby occupiers of the dwelling are likely to contribute towards local businesses. However, I do not consider that either individually or cumulatively the benefits of the development would outweigh the harm identified above.
16. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

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

Graham Wyatt

INSPECTOR

¹ APP/W3520/W/17/3182882 dated 27 November 2017