



Appeal Decision

Site visit made on 1 October 2020

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11/11/2020

Appeal Ref: APP/D3505/W/20/3252292

Land at Barrow Hill, Acton, Sudbury, Suffolk CO10 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms Wendy Jarvis against the decision of Babergh District Council.
 - The application Ref DC/20/00627, dated 10 February 2020, was refused by notice dated 18 March 2020.
 - The development proposed is described as 'A self-build single storey detached house (bungalow) for myself for my recent retirement. It will be an environmentally friendly design with full details to be agreed at the technical detail consent stage.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address provided in the application form includes a reference to a 'building plot'. I have omitted this reference and used the site address that was provided in the appeal form in the banner heading above as it is a more accurate description of the location of the appeal site.
3. The appeal proposal is for Permission in Principle (PIP) in accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail.
4. The PPG further advises that the scope of 'permission in principle' is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

Application for costs

5. An application for costs was made by Ms Wendy Jarvis against Babergh District Council. This application is the subject of a separate Decision.

Main Issue

6. With reference to the PPG advice on PIPs, and the Council's reasons for refusing the application, the main issue is the effect of the proposal's location, land use and amount of development on the character and appearance of the surrounding area.

Reasons

7. The appeal relates to an irregular shaped piece of land that sits in between the detached garage of a property known as 'Commodore' and a detached two storey dwelling at 5 Gotsfield Close. The immediate surroundings are predominantly residential, with well-defined building lines set out in an orderly fashion along both sides of Barrow Hill. Properties are set well back from the highway, with intervening open grassed front garden areas, and modestly sized back gardens. These factors combine to provide a pleasant, spacious, and relatively green character.
8. The appellant measures the appeal site's frontage to span approximately 18 metres, with a total area of approximately 265 square metres, and considers it to represent an infill site of sufficient width to accommodate a small bungalow. I also recognise that technical details relating to trees, materials, form and design are required to be submitted and considered in the second consent stage of the PIP process.
9. However, the size, shape, and location of the site would clearly constrain the amount and siting of any residential development on it. Its position between the gable elevation of the Commodore's detached garage and the angled shared boundary with No 5 results in the site being of an irregular shape as it tapers sharply towards the rear. Furthermore, the sharp rear corner of the site only roughly aligns with the rear elevation of No 5.
10. As a result of these factors, any dwelling on this land would either have to be sited in very close proximity to the rear boundary of the site, to respect the building line (as shown in illustration 2 of the appellant's planning appeal statement), or be sited to the north of the site, to provide a suitably sized rear garden area, thereby breaking the building line along Barrow Hill.
11. The appellant's indicative diagram illustrates how the configuration of a dwelling, if respecting the building line and running parallel with the tapered boundary, would appear contrived and conflict with the simple form and design of existing neighbouring houses. Given the inevitable close proximity of a dwelling to the side and rear boundary fences in this location, it would also provide a significantly smaller rear garden area than is typical for the locality. As a result, a dwelling in this position would appear cramped and out of context with the prevailing pattern of development and spacious layout of the immediate surroundings.
12. Alternatively, if the proposed dwelling was to be sited to the front of the site, in order to provide a suitably sized rear garden area, it would have to break the building line and would intrude upon the spacious green character that is maintained by the set backs and the relatively open garden frontages to the neighbouring properties. This would be clearly visible from along Barrow Hill, and thereby appear conspicuous and jarring in the street scene.
13. I have had regard to the appellant's note on density levels, and I realise that the Council's housing land supply position does not preclude further residential development. The similar size of the neighbouring site at 'Commodore' has also been put to me as a favourable factor in support of the proposal. In addition, it has been put forward that the previous refusal of planning permission on this site (Ref: DC/17/05312) did not deem the site unsuitable for residential use.

Nonetheless, none of these matters overcome or outweigh the harm that I have identified above.

14. My attention has also been drawn to previous planning permissions at the 'Caustons' which I am informed relate to a recently completed bungalow in the neighbouring village of Lavenham. Nonetheless, I have not been provided with the full details that led to these proposals being accepted so I cannot be sure that their circumstances are directly comparable to those which apply for this appeal. I have, in any case, reached my own conclusions on the appeal proposal based on its own planning merits.
15. Therefore, whilst I appreciate that the appeal site is not located in a conservation area, I find that the proposal's location, land use and amount of development would have a significantly harmful effect on the character and appearance of the surrounding area. As such it conflicts with Policies CN01 and HS28 of the Babergh Local Plan 2006 (LP) and Policy CS15 of the Babergh Local Plan 2011-2031 Core Strategies & Policies 2014 (CS). Amongst other things, these require development to make a positive contribution to the local character, shape and scale of the area, by having regard to the character of the locality and the environment surrounding the site.
16. In reaching my findings I have also been mindful of the National Planning Policy Framework's (the Framework) presumption in favour of sustainable development. The Framework places an emphasis on ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Given my findings above I do not consider that the proposal would satisfactorily address these requirements, and consequently would not be sustainable development.

Other matters

17. I note that the appellant is disappointed with the Council's assessment of the application and considers them to have relied on inaccurate measurements and the conclusions of previously refused planning applications on this site. She cites unnecessary requests for technical information at the validation stage and emails and written correspondence with the Council as demonstrating a lack of understanding of the PIP process. However, this is a matter that would need to be pursued with the Council in the first instance. I confirm that in this respect, I have only had regard to the planning merits of the proposal that is before me.
18. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Mark Caine

INSPECTOR