
Appeal Decision

Site visit made on 14 December 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020.

Appeal Ref: APP/W3520/W/20/3254926

10 Ipswich Road, Debenham, Suffolk IP14 6LB

- 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 Jason Vince of Earlswood Homes against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/04807, dated 11 October 2019, was refused by notice dated 12 June 2020.
 - The development proposed is described as 'demolition of existing bungalow and erection of 6no new dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form and the Council's decision notice as this better reflects the scheme following the omission of Plot 7. An application for an award of costs was made by Mr Jason Vince of Earlswood Homes against Mid Suffolk District Council. This application will be the subject of a separate Decision.

Main Issues

3. The Council's second reason for refusal is not particularly clear because it infers rather than states the alleged harm. That said, from considering the Officer's report and, to a greater extent the submissions of interested parties, it is apparent there are concerns that the dwellings would be too tall relative to existing properties and this could adversely affect the character and appearance of the area. Accordingly, the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area, with particular reference to building heights; and
 - The effect of the proposed development on the living conditions of the occupants of 1, 2 and 3 Cherry Tree Close and 12, 14 and 16 Ipswich Road, with particular reference to outlook and privacy.

Reasons

The effect of the proposal on the character and appearance of the area

4. The north western boundary of the appeal site adjoins the rear gardens of the properties in Deben Rise, but the appeal site is not a notable component of the

cul-de-sac's street scene and therefore has a limited spatial relationship with it. Instead, the appeal site forms part of the Ipswich Road street scene. The dwellings along Ipswich Road are broadly arranged in a linear fashion and set back from the road with front elevations facing the street and large gardens adjoining woodland to the rear. The generally spacious layout provides a pleasant sense of transition from the open countryside into the village.

5. 10 Ipswich Road departs from the prevailing character of Ipswich Road as it is set behind the discernible building line on elevated land. However, the building has a recessive appearance in the street scene because it is a modest bungalow in a large verdant plot set behind two storey properties. As a result, there is a clear hierarchy between the appeal site and the frontage development along Ipswich Road, with the appeal property appearing subservient in its back-land setting.
6. Proposed Plots 4, 5 and 6 would be arranged over two floors and would therefore be taller than the frontage development along Ipswich Road due to the land levels. This would appear odd because it would harmfully disrupt the hierarchy currently evident between the appeal property and the frontage development, particularly in the view from Ipswich Road between Plots 2 and 3, which is currently of a treed backdrop. Additional landscaping would soften this impact but not overcome it.
7. Plots 1, 2 and 3 would be two and a half storey properties, but dwellings of this scale are not commonplace in Ipswich Road. The appellant has referred to roof lights on nearby properties but interested parties have suggested these do not serve living space. Therefore, the three-floor arrangement of Plots 1-3 would not be in keeping with the predominant scale of surrounding properties.
8. In any event, it's the height of the dwellings which is the main point in this instance. The precise heights of Plots 1, 2 and 3 when compared to the frontage development along Ipswich Road is not clear because there is no street scene elevation. However, the three houses would be around 9m - 9.3m in height with the appellant's Cross Section indicating that 2 Cherry Tree Close is about 7.6m tall. Thus, even when accounting for land levels, Plots 1, 2 and 3 would be discordantly tall structures set behind the frontage development. I have no reason to doubt the massing diagrams submitted by the occupants of 3 Cherry Tree Close, which demonstrate my concerns that Plots 1, 2 and 3 would be far too large and out of place in the context of Ipswich Road.
9. Consequently, due to the height and backland position, Plots 1-3 would seriously disrupt the hierarchy of the street scene and do so in a particularly conspicuous way due to the open view along the site entrance. The properties would therefore have a notable, discordant and harmful presence in the street scene, a point that would be compounded by Plot 1 failing to positively address the street and the lack of softening landscaping along the site entrance.
10. In conclusion, the proposal would seriously harm the character and appearance of the area. It would therefore be at odds with Policy DEB2 of the Debenham Neighbourhood Plan 2016 - 2036 (NP), which states that all new housing development should respect the built character of the village, and new dwellings must be no more than two storeys in height, with accommodation only permitted in the roof scape if it would be in keeping with the surrounding properties and area.

The effect on the living conditions of neighbours

11. Plot 6 would be positioned further back into the site than the existing bungalow and therefore outside the direct line of sight from 1 Cherry Tree Close (No 1). This has the potential to be a benefit, but it would be undone by the looming presence of Plot 1. On balance, the outlook from No 1 would neither be improved or harmed. In arriving at this view, I note that the previous Inspector¹ considered the impacts of the eight-home proposal on the occupants of No 1 and in doing so did not identify any harm from Plot 1 as then proposed. Plot 1 is broadly unchanged in the current appeal.
12. The occupants of 3 Cherry Tree Close (No 3) currently have an outlook over the rear garden of 10 Ipswich Road. The aspect from No 3 would be over the rear garden of Plot 6 were the development to occur and therefore not entirely dissimilar to the current situation. It would be possible to see Plot 6 from No 3, but this would be an oblique view, which could be softened by landscaping. As such, there would be no harmful loss of outlook from No 3. Views from the front and rear of Plot 6 towards Nos 1 and 3 would be oblique and therefore a harmful loss of privacy would not occur.
13. Plot 6 would be located behind 2 Cherry Tree Close (No 2) and therefore the relationship would be similar to that currently evident between the existing bungalow and No 1. That said, No 1 is set further forward than No 2 to provide greater separation. The proposed dwelling would be apparent from the garden and ground floor of No 2 and very prominent in views from first floor windows. However, Plot 6 would be set slightly further in from the eastern boundary than the existing bungalow and although taller it would have a hipped roof finished in an attractive tile. It would therefore have a more reduced impact than the previous appeal scheme. On balance, the outlook from No 2 would not be harmfully dominated by Plot 6. The occupants of No 2 would not suffer any additional loss of privacy because Plot 6 would not have east facing windows.
14. Plots 1, 2 and 3 would all have a rear aspect looking south over the rear gardens of 12, 14 and 16 Ipswich Road. The more private patio areas of these neighbouring properties would be largely unaffected by direct views but most of the gardens of Nos 12 and 14 would be overlooked. The overlooking impact would diminish with distance such that I am satisfied that the occupants of No 16 would not suffer a harmful loss of privacy. However, the occupants of Nos 12 and 14 would be overlooked at close range from several windows, many of which would be at a high level with a direct aspect over their gardens. Restricting the roof lights to be non-openable would not alter this impact. As such, there would be a harmful loss of privacy to the detriment of the living conditions of the occupants of Nos 12-14.
15. In conclusion, although the appeal scheme would safeguard the living conditions of most of the occupants of neighbouring properties, the proposal would nevertheless result in harm to the living conditions of the occupants of Nos 12-14. Thus, as a whole, the proposal would be at odds with Policies DEB2 and DEB16 of the NP and Policies H16 and GP01 of the Mid Suffolk Local Plan 1998 (LP), which seek to ensure adequate amenity and living conditions.

¹ In considering appeal APP/W3520/W/19/3240036

Other Matters

16. In determining the previous appeal, the Inspector did not identify the effect on character and appearance or the living conditions at Nos 12-14 as main issues and therefore came to no findings on these matters. However, the absence of a finding is not a finding of no harm. The appeal was dismissed for other reasons, so the Inspector did not need to reach findings on these points. Therefore, it would be unwise to interpret this as the Inspector being satisfied on these points, which may not have been put to them in any event. As a result, there is no inconsistency between my findings and the previous Inspector's and therefore the previous decision does not alter my overall conclusion.

Planning Balance

17. The submissions list several policies that are relevant to the proposal. Of these, Policies CS01 and CS02 of the Mid Suffolk Core Strategy, Policies GP01, T09 and H16 of the LP and Policies DEB2, DEB6 and DEB16 of the NP are the most important for determining the application as, in this instance, they guide an assessment of the principle, layout and design of the proposal.
18. Policies CS01 and CS02 do not preclude housing within Debenham and therefore these policies are not inconsistent with the National Planning Policy Framework (the Framework) for the purposes of considering this proposal. Policies GP01, H16, T09, DEB2, DEB6 and DEB16 seek to secure a mixture of homes that are contextually appropriate with high standards of amenity and appropriate levels of parking and this is consistent with the Framework. As such, the most important policies for determining this application as a collective basket are not out of date and therefore the tilted balance in Paragraph 11d) of the Framework is not relevant on this account. There is nothing to suggest the Council are unable to demonstrate a five-year housing land supply.
19. The appeal scheme would deliver several benefits as it would modestly support housing supply and local choice at a site within walking distance of the village which could be delivered quickly by a smaller housebuilder. The proposal would also support the local economy through construction jobs and the circulation of funds and additional people could get involved in local clubs and organisations. However, the practical effect of this has not been demonstrated. For example, there is nothing of substance before me to suggest the occupation of the dwellings would have a meaningful effect on the provision of services and facilities or the vitality of the local community.
20. I share the view of the appellant and Council that there would be adequate parking and no harm to the living conditions of the occupants of Deben Rise. The proposed dwellings would also provide reasonable living conditions for future occupants and there is nothing of substance demonstrating harm would occur to neighbours from a loss of light or to the area more generally from a harmful impact on trees, biodiversity, highway safety, heritage, ground stability or from surface water. However, the absence of harm is a neutral matter. A CIL contribution would be used to offset the impacts of the proposal on infrastructure and is therefore mitigation rather than a benefit.
21. Overall, the benefits of the proposal would cumulatively be matters of limited weight in favour of the appeal scheme. They would be somewhat short of outweighing the significant weight I attach to the harm that would occur if the proposal were permitted, and the subsequent conflict with the development

plan. Thus, the planning balance does not indicate that the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

22. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR