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## Appeal Decision

Site visit made on 17 November 2020

**by S Tudhope LLB (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 January 2021**

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**Appeal Ref: APP/X3540/W/20/3246692**

**The Bungalow, Lower Road, Westerfield, near Ipswich, Suffolk IP6 9AR**

- 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 Ms Nicola Waites against the decision of East Suffolk Council.
  - The application Ref DC/19/4699/FUL, dated 2 December 2019, was refused by notice dated 13 January 2020.
  - The development proposed is construction of a detached chalet style bungalow and cartlodge outbuildings (including off road car parking) to severance plot.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The East Suffolk Council Suffolk Coastal Local Plan (LP) was adopted on 23 September 2020. The LP has replaced the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document 2013. I have allowed the main parties the opportunity to provide their comments on this matter. Against this background, no injustice has been caused to either appeal party and accordingly, I have had regard to the most up to date development plan policies in my determination of this appeal.
3. The main parties indicate that the development would have likely significant effects on one or more European sites. The appellant has submitted evidence that payment has been made to the Council in accordance with the requirements set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy. The Council has sought not to defend its second reason for refusal as a result. I return to this matter later in my decision.

### Main Issues

4. The main issues are (i) the effect of the proposed development on the character and appearance of the area and; (ii) the effect of the proposed development on the living conditions of the occupiers of The Bungalow and Laburnum Cottage with regard to noise and disturbance.

### Reasons

5. The appeal site lies within the settlement boundary of the 'small village' of Westerfield, as identified within the LP, where new residential infill and garden

development is considered acceptable in principle, subject to compliance with criteria set out within LP Policy SCLP5.7 and other relevant LP policies.

6. The proposal would introduce a substantial sized dwelling together with one, two bay cart lodge and a single bay cart lodge to the rear of the donor property, The Bungalow. The existing access would be shared between the two properties. The site rises to the rear and as a consequence of its scale and position and given the absence of tandem development within this row of dwellings, the proposal would appear significantly at odds with the prevailing linear pattern of development. It would be visible from the street and from neighbouring dwellings, from where it would be read as a prominent and discordant feature.
7. Sufficient amenity space would serve both the donor and proposed dwelling. Nevertheless, the close proximity of the new dwelling to both the rear (north east) and side (south east) boundaries would result in the property appearing cramped within the site. That a dwelling could be accommodated within the space does not of itself mean that its form would be satisfactory.
8. The proposal would replace existing outbuildings. However, despite their proliferation, they are of a far lesser scale than that of the proposal and an expected feature in the rear gardens of residential properties. I consider the erection of a new dwelling to be significantly different in terms of its effect on the character and appearance of the area. The presence of the existing built form does not justify the replacement of such buildings with a new residential unit.
9. Accordingly, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area and therefore, it would conflict with LP Policies SCLP5.2 and SCLP5.7 which seek to ensure that development would not result in harm to the street scene or character of the area. It would also conflict with the National Planning Policy Framework (the Framework) in this regard.

#### *Living conditions*

10. Access to the proposed dwelling would be taken along the existing driveway situated alongside the flank wall of The Bungalow. Three windows exist within this side elevation, including a secondary window to a habitable room. The proposal would introduce a number of daily vehicle and pedestrian movements, commensurate with the size of dwelling proposed, alongside the donor property. Given the restrained width of the driveway and the consequent close proximity of passing vehicles, this would likely give rise to a serious adverse effect by way of noise and disturbance to the occupiers of The Bungalow.
11. The existing driveway already extends to the rear of the site, providing vehicular access to the existing outbuildings. There is also evidence that it was once shared with Laburnum Cottage in addition to being used by commercial rigid trucks for parking and for access to the outbuildings. The suggestion is that the appeal proposal would be an improvement from the presence on the site of commercial vehicles and no worse than a shared use with the neighbouring property. However, the evidence also suggests that these activities have already ceased and would not therefore be a benefit of the proposal.

12. I do not have details of the frequency of use of the appeal site access by the occupiers of the neighbouring property. However, they have their own vehicular access at the front of their site. This leads me to conclude that it is likely that their usage of the appeal site access would have been far less than would be expected to occur in connection with a sole point of access to a new dwelling. I therefore give this matter limited weight and it does not override the harm I have identified.
13. Further, historic usage of the access by the occupiers of the host property, for parking and manoeuvring of commercial vehicles, does not persuade me that the use of the access to serve an additional four bedroom dwelling would be acceptable. The comings and goings of future occupiers of the proposed dwelling would be separate to and uncontrolled by, the occupier of the donor property. As such, there is far greater potential for disturbance to occur than when frequency and timings of vehicular movement along the access is solely in control of the occupiers of a single host property.
14. The separation distance between the neighbouring dwelling, Laburnum Cottage, and the appeal driveway, afforded by Laburnum Cottage's own intervening driveway and outbuildings, would be sufficient to ensure that the living conditions of its occupiers would not be unacceptably harmed by noise generated by the additional vehicular movements resulting from the proposal.
15. Accordingly, while I have not found harm in relation to the effect of the proposal on the living conditions of the occupiers of Laburnum Cottage, I have found that the proposal would result in a significantly unacceptable standard of living conditions for the occupiers of The Bungalow, with regard to noise and disturbance. Thus, the proposal conflicts with LP Policy SCLP5.7 and the Framework which seek, amongst other matters, to protect the residential amenity of occupants of existing dwellings.

### **Other Matters**

16. Concern has been raised by interested parties regarding the impact of the proposal on the living conditions of the occupiers of the neighbouring property, Cherisy and with regard to surface water drainage. However, as I have already found harm in respect of the main issues, any finding on these matters would not alter my decision, and I have not, therefore, given these matters further consideration in this instance.
17. I note the appellant's evidence regarding the formal pre-application advice received from the Council, including favourable comments regarding the principle of the development. Whilst I understand the appellant's frustrations in this regard, pre-application advice is not binding on the Council and does not prejudice determination of a planning application. It is therefore not a matter for consideration further in the determination of this appeal.
18. The appellant has drawn my attention to other developments within the area which they consider offer support to the acceptability of the appeal scheme. However, from the details provided, and from what I was able to see on my visit, it is clear that these developments, by virtue of the differences in the size of the plots and the access configurations, do not represent direct parallels to the appeal proposal. As such, a comparison is of limited relevance in this instance. In any case, I have considered this appeal on its own merits.

19. The development would provide an additional dwelling, in a sustainable location, utilising land where built form already exists. Other issues where no material harm has been identified would be neutral in the planning balance.
20. In acknowledging these benefits, I do not consider that they outweigh the harm and the policy conflicts I have identified and to which I attribute significant weight. Accordingly, there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. It is, therefore, not necessary that I consider the effect of the proposal on European sites, as such an assessment would have no bearing on my decision. Although the Council considers this matter to have been addressed, should I have found the proposed development acceptable, it would have been necessary for me to give further consideration to the impact upon European sites in accordance with the Habitats Regulations.

### **Conclusion**

21. For the above reasons the appeal is dismissed.

*S Tudhope*  
Inspector