
Appeal Decision

Site visit made on 9 February 2021

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/X3540/W/20/3260959

4 Hackney Terrace, Melton IP12 1NN

- 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 Mandy Hearle against the decision of East Suffolk Council.
 - The application Ref DC/20/0040/FUL, dated 2 January 2020, was refused by notice dated 15 April 2020.
 - The development proposed is described as 'Single House residential infill development (Plot 2) to the rear garden of 4 Hackney Terrace for 1 bed single storey house.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Local government in the area has undergone re-organisation. Since the application was determined, East Suffolk Council has adopted the Suffolk Coastal Local Plan (LP) which replaces the development plan policies used to determine the application. The appellant had the opportunity to respond to this change in its final comments. No comments were received on this matter. Nevertheless, for the purposes of this appeal, the LP policies referred to in the Council's statement are broadly consistent with those cited in the decision notice. Therefore, I consider that it does not prejudice the appellant's case to make the decision on the basis of the LP policies.
3. The second reason for refusal concerns the absence of an assessment, or any means of mitigation, of the impact of the proposal on European Designated Sites. The appellant has subsequently made a financial contribution to mitigate the effect of the proposal in accordance with the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy and Technical Report. The Council has confirmed payment of the contribution. As such, the second reason for refusal has been overcome.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. A single storey annex has recently been constructed to the side of No 4 Hackney Terrace. That property and the appeal site were formerly part of the garden area of No 4. The appeal site fronts onto Hackney Road and sits
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between the annex and a two-storey semi-detached dwelling (Felbrigg Cottage).

6. I agree with the appellant that built form in the area is less uniform than suggested by the Council. Whilst most dwellings are two storeys in height, there are occasional examples of single storey dwellings (including Melwood, a short distance from the appeal site), as well as single storey ancillary buildings. The recent development to the west of Turnpike Lane further diminishes the consistency of built form locally. Nevertheless, the spaces between buildings, notwithstanding that they are somewhat irregular in distribution, continue to make a positive contribution to the area's attractively relaxed layout. The appeal site helps to separate the buildings at the junction of Hackney Terrace and Hackney Road. The rear gardens of the properties at two of the other corners of this junction perform a similar function. As such, the appeal site is characteristic of, and contributes to, the sense of place at this location.
7. The separation of the appeal site from No 4 and the annex means that the retained gardens to the rear of those properties are fairly short. On the other side of the appeal site, the gap between its boundary and the flank wall of Felbrigg Cottage is narrow. The proposed building and access would take up the full width of the plot. Moreover, the building would sit forward on the plot and be closer to the road frontage than the annex and at least as close as Felbrigg Cottage. Consequently, the proposal would significantly shrink the locally distinctive spaciousness around the adjoining buildings and also lead to uncharacteristically small gardens for the appeal property, No 4 and the annex.
8. Furthermore, notwithstanding its single storey height, the new building would be unduly prominent in the street scene by virtue of its siting. The apparent need to site the building so close to the frontage is indicative of the constrained size of the site.
9. The appellant argues that the proposal would 'complete' the Hackney Road frontage. However, given my findings on the layout of buildings and spaces at the junction, I see no reason to regard the frontage as incomplete currently. Nor, based on my site visit, do I consider that the condition of the site materially detracts from the appearance of the area.
10. The appellant has drawn my attention to examples elsewhere in Melton and Woodbridge of tightly spaced infill developments with little or no external areas. However, paragraph 127 of the National Planning Policy Framework (the Framework) and Policy SCLP11.1 of the LP require consideration to be given to the effect of proposals on the area in which they are located. In accordance with those policies, my concern is the effect of the proposal on the contribution which the appeal site makes to the character and sense of place of this particular area. Other areas may have the capacity to absorb infill development at a higher density.
11. The appearance and materials used in the proposed dwelling are intended to reflect those of traditional outbuildings in the area. Of itself, that approach is not objectionable. Nevertheless, it does not overcome my concerns regarding the loss of spaciousness at the site or the cramped site layout. For those reasons, I find that the proposal would have a harmful effect on the character and appearance of the area. Therefore, it would conflict with Policies SCLP5.1, SCLP5.7 and SCLP11.1 of the LP. Together, these policies require infill proposals to respond to local distinctiveness in terms of its layout, scale and

siting, to not harm the street scene and provide to sufficiently sized curtilages for the existing and proposed dwellings. Nor would the proposal accord with Framework paragraph 127 insofar as it has similar aims.

12. The Council's statement also refers to Melton Neighbourhood Plan Policy MEL17. Notwithstanding, that policy is not cited in the reason for refusal and it does not alter my findings on the main issue.

Other Matters

13. The appellant has expressed concern regarding the way that the Council determined the application. However, my decision is based on the planning merits of the proposal. Other mechanisms exist to challenge the process used by the Council to consider the application.
14. The appellant argues that the proposal would help to redress the balance which, it says, has been tipped in favour of larger homes as a result of recent development in Melton. Nevertheless, there is no substantive evidence to suggest that there is a shortage of smaller dwellings in the area. Neither this matter, nor the mix of local support and opposition to the proposal, have led me to reach a different overall conclusion.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR