



Appeal Decision

Site Visit made on 19 February 2021

by Graham Chamberlain BA(Hons), MSC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021.

Appeal Ref: APP/W3520/W/20/3260781

34 Ludbrook Close, Needham Market, Suffolk, IP6 8EE

- 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 Copping against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/01976, dated 20 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is described as 'Erection of detached two storey dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the living conditions of the occupants of 32 and 36 Ludbrook Close, with particular reference to outlook and noise and disturbance; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

The effect on living conditions

3. The appeal site encompasses a detached dwelling with its main access from Ludbrook Close but with a principal outlook over Hurstlea Road. The garden of the property is located to the side of the dwelling and adjacent to 36 Ludbrook Close (No 36). This property has an outlook over Ludbrook Close with a rear garden between it and Hurstlea Road.
4. The proposed dwelling would be positioned alongside the rear garden of No 36. It would be two storeys high and located about one metre off the boundary. It would also be quite deep relative to the depth of the garden at No 36. As such, the dwelling would be constantly apparent to the occupants of No 36 when in all areas of their rear garden. This would be the case even though the new dwelling would be positioned to the side of No 36.
5. Therefore, the outlook from No 36 would be harmfully dominated and enclosed by the proposed dwelling, the depth and height of which would result in a looming presence due to its proximity to the boundary. Furthermore, the eaves line would be much taller than the intervening boundary treatment and the flank wall would have a blank and unrelieved brick façade. The proposal would therefore have a harmfully stark appearance when viewed from No 36.

6. The appeal site is in a reasonably compact residential estate where it is not unusual to see other dwellings when standing or sitting in a rear garden. However, the estate appears to have been planned to provide some separation space between dwellings. This allows some space for softening landscaping and for the gardens to provide relief. The proposal would encroach into the separation space between Nos 34 and 36. There would be no room to effectively soften the presence of the dwelling in views from No 36 with soft landscaping. In this instance it is the combined impact of the height, depth and proximity to the boundary that would harmfully impact the outlook from No 36.
7. The provision of an additional dwelling would result in extra vehicle movements between Nos 32 and 36 Ludbrook Close and therefore some increase in noise and disturbance. However, vehicle movements already occur between these dwellings to service the occupants of No 34. The extra movements and light spill caused by the proposal would take place broadly in the same location and the noise generated would be attenuated by the flank walls of Nos 32 and 36. The movements originating from the new dwelling would not need to pass the rear garden of either property. The arrangement could feel quite compact and squeezed in, but it would not result in a harmful level of noise and disturbance.
8. In conclusion, the occupation of the proposed dwelling would not result in an unreasonable level of noise and disturbance. The absence of harm in this respect is a neutral matter. However, the proposal would result in a harmful impact on the outlook from No 36 and this would be contrary to Policies H13 and H16 of the Mid Suffolk Local Plan 1998 (LP), which seek to secure development that does not harm the amenities of neighbours.

The effect on the character and appearance of the area

9. There is little consistency in how the dwellings along Hurstlea Road are arranged. Some properties face the road, others back onto it. In other areas there are long runs of fences and walls which provide an inactive frontage. Soft landscaping is sporadic and often confined to rear gardens. However, the street scene has some harmony through the use of repeated house types that exhibit similar materials and proportions.
10. The appeal scheme would replicate the detached form, appearance, proportions, and orientation of No 34 such that the new and existing houses would be seen as a pair in the street scene. In this respect the proposal would harmonise with those features in the street scene outlined in the preceding paragraph that contribute to the overall character and appearance of the estate and mark it apart as a distinctive section of townscape.
11. No 34 occupies a plot that is larger than others nearby. Its subdivision would result in two houses occupying smaller plots than is commonplace in the locality, but not to a significant extent. The close configuration of the proposed house relative to No 34 would not appear out of place when seen in the context of Steggall Close, where the properties have a close-knit arrangement. The new dwelling would not appear harmfully cramped from Ludbrook Close either, as this cul-de-sac is characterised by tightly arranged houses.
12. The rear garden areas of the proposed dwelling and No 34 would be small due to their limited depth, but the Council is satisfied that they would not result in poor living conditions and I have no reason to disagree. It would also be difficult to appreciate their diminutive size from a public vantage point. They

would not be contrived or odd in appearance being simple and rectangular in shape with a width similar to those nearby, including No 36.

13. The proposal would result in the loss of some trees that are visible from Hurstlea Road and this would be regrettable given the general lack of soft landscaping in the estate. However, the existing blank boundary wall fronting onto the road would be replaced by the active frontage of a house, the presence of which would be softened to an extent by a landscaped front garden. Overall, this would cancel out the negative impacts caused by the loss of landscaping.
14. In conclusion, the proposal would preserve the character and appearance of the area and therefore a conflict with the aims in Policies GP01, H13 and H15, in so far as they seek to respect the character and appearance of the site and its surroundings, would not occur.

Other Matters

15. The appellant has referred to several other approved applications in Needham Market, but none exhibit circumstances that are so similar to the proposal before me that they should be of more than very limited weight in my assessment. In particular, they do not demonstrate that I would be acting inconsistently by dismissing this appeal as they would not result in poor living conditions in the way the appeal scheme would.
16. The appellant has referred to Policy FC1 of the Core Strategy Focussed Review but the evidence before me does not indicate that the relevant policies are out of date. In fact, Policies H13 and H16 are broadly consistent with Paragraph 127(f) of the National Planning Policy Framework and therefore carry full weight. As such, Policy FC1 is not especially relevant in this instance.
17. The proposed dwelling would be located in a built-up area and reasonably close to services and facilities. It could be delivered quickly and thus support housing land supply and choice in the short term, but only to a modest extent. The Council is currently able to demonstrate a five-year housing land supply so is already significantly boasting the supply of housing. This suppresses the weight I afford housing delivery as a benefit of the scheme. The construction and subsequent occupation of the dwelling would provide modest economic benefits to the construction industry and the local economy more generally. This needs to be considered in the context of the economic impacts flowing from the Covid-19 pandemic, but the benefits would still be limited due to the small size of the proposal. Overall, the benefits would not outweigh the harm that would arise and the subsequent conflict with the development plan, which is a matter I afford significant weight.

Conclusion

18. When taken as a whole, 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 fails.

Graham Chamberlain
INSPECTOR