



Appeal Decision

Site visit made on 25 February 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2021.

Appeal Ref: APP/D3505/W/20/3259784

Colwyn, Acton Lane, Sudbury, Suffolk CO10 1QW

- 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 T Fance against the decision of Babergh District Council.
 - The application Ref DC/20/02165, dated 3 June 2020, was refused by notice dated 31 July 2020.
 - The development proposed is erection of a single-storey detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey detached dwelling at Colwyn, Acton Lane, Sudbury, Suffolk CO10 1QW in accordance with the terms of the application, ref DC/20/02165, dated 3 June 2020, subject to the conditions set out in the Schedule attached to this decision.

Main Issues

2. The effects on the character and appearance of the area, the living conditions of surrounding residents, with particular regard to noise and disturbance, and highway safety.

Reasons

3. The proposal is for a single bungalow within the back garden of an existing dwelling fronting Acton Lane, within a suburban part of the town of Sudbury. It follows an earlier proposal for a semi-detached pair of bungalows. That scheme had been refused and was the subject of an appeal¹ which was dismissed on 27 September 2019. As with this previous proposal, the backland position of the bungalow proposed would be atypical of the prevailing pattern of development along this side of the street. However, a single bungalow would be accommodated comfortably within the available site so as not to comprise the same cramped form of development that my colleague had found to result from the previously proposed pair of dwellings.
4. Although the backland position of the proposed bungalow would be atypical of the development pattern along this street, the existing property has a comparatively long and wide back garden. The dwellings that follow have significantly narrower back gardens, which decrease successively in length, which means these are less likely to be the subject of suitable proposals of this kind. Furthermore, this back garden runs alongside a small cul-de-sac of

¹ APP/D3505/W/19/3228413

- housing, whereby the proposed bungalow would be positioned adjacent a neighbouring house within this development. The dwelling proposed would not be prominent from the street. Relative to the size of back garden available, and in relation to the adjoining development in Prince Charles Close, this proposal would fit in acceptably with the prevailing pattern of housing in this locality.
5. The adjacent house at 7 Prince Charles Close has first floor windows to the side and rear which overlook the appeal site. However, the single storey dwelling proposed would not result in any material loss of privacy to this existing neighbour. As currently positioned, the shared drive would run between the host bungalow and the next-door house on Acton Lane. However, the amount of additional vehicular traffic generated by a further dwelling would be relatively small. This would be insufficient to cause an undue level of additional noise or disturbance so as to be of material harm to the living conditions of any of the neighbouring occupiers.
 6. Acton Lane appears to be a long-established thoroughfare, not meeting current highway design specifications. It is quite narrow, with a footpath to one side and also accommodates on street parking. It is not a through route and beyond the housing becomes a narrow country lane, eventually ending as a footpath where development resumes. At the appeal site there is a 30mph speed limit in force. Whilst a reasonably busy residential street, its characteristics would naturally limit the speed of traffic.
 7. I have had regard to the concerns raised by the local highway authority. However, for the small amount of additional vehicle use generated by this proposal, I am satisfied that safe access arrangements could be provided, including sufficient on-site car parking and manoeuvring space and improved visibility onto Acton Lane. The proposal would therefore not have an unacceptable impact on highway safety and satisfies paragraph 109 of the National Planning Policy Framework (the Framework).

Other Matters

8. I have had regard to the further matters raised by interested parties, at both the application stage and in relation to this subsequent appeal. The proposal would not result in the loss of any important trees. There is no evidence to suggest that the development would be of material harm to biodiversity or would impact adversely upon any protected species. Dealing with any on-site asbestos would require adherence to the relevant legislation and would not weigh in the planning balance. The same would apply to issues that fall within the remit of the Building Regulations, such as meeting fire safety requirements. There is no evidence to suggest that the proposed dwelling would be incapable of connecting to the existing sewerage infrastructure. The requirement for adequate boundary fencing might be a matter suitably addressed through a planning condition.
9. As confirmed in the previous appeal, any ongoing dispute relating to matters of land ownership would constitute a civil matter to be resolved outside of this appeal.

Conclusion

10. The development plan comprises the Babergh Local Plan Core Strategy and Policies 2014 (CS) and the saved policies in the Babergh Local Plan Alteration

No.2 2006 (LP). The proposal would comply with the overall settlement pattern sought by CS Policy CS2, which directs most new development to the larger centres such as Sudbury. The proposal would be satisfactory with regard to its effects on the character and appearance of the area, the living conditions of surrounding residents and highway safety. As a design, the residential infill proposed in this scheme would comply with LP policies HS28 and CN01.

11. To be satisfactory, this proposal would need to be the subject of planning conditions and I have had regard to those suggested by the Council. In addition to those applying the standard commencement period and plans compliance, another condition is necessary requiring agreement to the access improvements, on-site car parking/ turning space arrangements, the presentation and storage of waste bins and boundary fencing. A condition restricting the future use of permitted development rights for domestic extensions and curtilage buildings would pass the test of reasonableness and necessity in this case.
12. This proposal would provide a modest benefit with regard to helping to meet housing supply requirements in this area and, on balance, would comprise the sustainable development sought under the Framework. It would comply with the development plan when considered as a whole. Therefore, having taken into consideration all other matters raised, I conclude that the appeal is allowed, subject to the conditions referred to below.

Jonathan Price

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2570/01A existing site plan and location plan; 2570/05 proposed floor plans and elevations; 2570/06 proposed site plan.
- 3) The development hereby permitted shall not be occupied until the access onto Acton Lane, the shared drive, parking, turning areas, arrangements for the storage and presentation for collection of refuse/recycling bins and boundary fencing have been provided, all in accordance with details that shall have had the prior written approval of the local planning authority. These shall all thereafter be retained and maintained as approved.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement, insertion of new openings or other alteration of the dwelling house hereby permitted shall be carried out, and no garage, car port, or any other building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.
