
Appeal Decision

Site visit made on 12 April 2021

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2021

Appeal Ref: APP/D3505/W/19/3239230

Land adjacent to 13 Meadows Way, Hadleigh, Suffolk IP7 5DX

- 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 S + A Properties against the decision of Babergh District Council.
 - The application Ref DC/19/02901, dated 14 June 2019, was refused by notice dated 11 September 2019.
 - The development proposed is a dwelling and associated external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Hadleigh Conservation Area, and the effect on the settings of nearby listed buildings;
 - The effect of the development on the living conditions of occupiers of 13 Meadows Way having particular regard to matters of light;
 - The effect of the development on parking and highway safety, and;
 - The effect of the development on the Stour and Orwell Estuaries SPA & Ramsar site.

Reasons

Character and appearance, conservation area and settings of Listed buildings

3. Hadleigh is a small market town. The main High Street contains a number of historic and listed buildings which contribute to the historic character and appearance of the town and Hadleigh Conservation Area. The appeal site falls within Hadleigh Conservation Area being located on an area of carpark to the rear of a number of buildings which front onto High Street; some of which are listed. Also adjacent to the site is a more recent residential development at Meadows Way.
4. Meadows Way is a compact development which has an ad-hoc and unplanned character which is in-keeping with the wider character of the area. The rears of the buildings lining High Street, which are visible from the appeal site, are also

- ad-hoc in nature with various projections and later additions. Overall, therefore, the feel of this area is of the evolution of development over time.
5. The proposal effectively seeks to add to the Meadows Way development by creating a property on the end of 13 Meadows Way. It would be a continuation of the existing form of development and therefore wholly in-keeping with the existing character of the area. Good separation with the properties along High Street would also be maintained so it would not appear unduly cramped.
 6. Its design would not slavishly copy any particular building in the area, but Meadows Way features a mix of styles of property and the proposed dwelling would broadly fit in, in terms of its scale, massing, and general design. It would feature dormers, but dormers of varying styles appear in the locality.
 7. The development would require the relocation of two parking spaces which would narrow what is currently a wide public thoroughfare. However, adequate access across the carpark would be retained and the proposed layout of this is such that I find no harm to local character or appearance as a result.
 8. For these reasons the proposal would not harm the character or appearance of the surrounding area. I therefore find no conflict with Policies CN01, CN06, CN08 and HS28 of the Babergh Local Plan (June 2006) (LP) or CS15 of the Babergh Local Plan 2011-2031 Core Strategy and Policies (CS) which seek to protect local context and character including the protection of heritage assets.
 9. It follows therefore that it would also preserve the character and appearance of the Hadleigh Conservation Area. Furthermore, it would not harm the settings of adjacent listed buildings. The immediate settings of these are largely contained within their own brick boundaries, and the development, for the reasons set out above, would fit with their wider settings. Views of the rears of the listed buildings would also not be obscured to any significant degree such that they would continue to be able to be experienced from this area.
 10. The 1.8m close board fencing around the proposed garden would be out of keeping given the majority of boundary treatments in the area are brick but a suitable boundary treatment could be agreed by way of a condition.

Living conditions

11. Where the proposed dwelling would adjoin No 13 two existing high-level windows in the flank would be covered over. The appellant has indicated that these windows serve a stairwell and a rooflight could be inserted into No 13 to mitigate the loss of light to this area and that this could be secured by condition. In the absence of any evidence to the contrary this would appear to be a reasonable solution. I therefore consider a condition to resolve any light issues at No 13 to be necessary to make the permission acceptable and is reasonable as No 13 is in the ownership of the appellant.
12. Although not referred to in the Council's second reason for refusal, in their officer's report the issue of the proximity of car parking spaces to the proposed dwelling is raised. However, this is not an unusual relationship in this area, as such a situation currently exists at No 13. The car park is also not so large or busy so as to impinge to a harmful degree on the living conditions of occupiers of the proposed dwelling, which in any event, would have a dual aspect to the front and rear and no windows on the flank adjoining the carpark.

13. Although not raised by the Council, in terms of outlook, No 13 currently has a triple aspect. On the evidence before me a reduction to double aspect to the front and rear would still enable a good standard of outlook to the property to be enjoyed. I therefore find no harm in this regard.
14. Subject to a condition relating to the insertion of a rooflight at No 13 I find no harm to the living conditions of its occupants. I therefore find no conflict with the relevant provisions of Policy HS28 of the LP which seeks to protect residential amenity in respect of planning applications for infill dwellings.

Highway safety

15. Although not covered in the Council's officer report or appeal statement the third reason for refusal cites a loss of off-street parking resulting in increased incidences of haphazard and unsafe parking to the detriment of highway safety in the area. There is, however, no specific evidence of local parking pressure before me. I also did not observe any haphazard or unsafe parking at the time of my site visit. Whilst I acknowledge my visit provided only a snapshot of parking conditions there is also no objection from the Council's highway consultant on parking or highway safety concerns.
16. The appeal site is in an accessible town centre location. Whilst approximately three parking spaces would be lost as a result of the proposed dwelling, a further two parking spaces are to be provided. Whilst there may be a small loss of parking overall in this area, on the evidence before me, I have no reason to conclude that this loss would create a highway safety problem. Consequently, I find no conflict with Policy TP15 of the LP.

SPA and Ramsar site

17. According to comments received from the Principal Ecological Consultant for the Council the appeal site lies within the 13km Zone of Influence for the Stour and Orwell Estuaries SPA and Ramsar site. However, the Council's questionnaire indicates the site is not likely to affect an SPA Ramsar site.
18. Taking a precautionary approach, and in the absence of clarification of this point from the Council, I must assume the proposal is likely to affect this SPA Ramsar site. It is therefore incumbent on me to consider if the proposal is likely to have a significant adverse effect on the integrity of the SPA and Ramsar site, alone or in combination with other plans and projects. The Council, however, have provided insufficient evidence for me to do this.
19. The appellant has confirmed that they have made a direct payment to the Council in respect of this, but, without a planning obligation or other appropriate mechanism to secure this payment I am unable to determine whether this meets the relevant tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework. I cannot, therefore, take this payment into account.
20. In the absence of evidence to the contrary I therefore find conflict with policy CS15 of the CS which clearly sets out that with regard to SPAs and Ramsar sites, any development that would have an adverse effect on the integrity of a European site will be refused.

Conclusion

21. I have found no harm to the character and appearance of the surrounding area, the Hadleigh Conservation Area or the settings of nearby listed buildings. I have also found no harm in respect of living conditions of occupiers of 13 Meadows Way or highway safety. However, I am unable to satisfy myself that the proposal would not have a significant adverse effect on the integrity of the SPA and Ramsar site. For this reason alone, the appeal must be dismissed.

Hayley Butcher

INSPECTOR