



Appeal Decision

Site visit made on 13 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2021

Appeal Ref: APP/F3545/W/20/3263831

Land off Northgate Avenue, Bury St Edmunds IP32 6BZ

- 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 Cook against the decision of West Suffolk Council.
 - The application Ref DC/20/0807/FUL, dated 19 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is single storey dwelling with courtyard garden and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site comprises a modest double garage building used for a workshop and adjacent vegetated land enclosed by corrugated metal and fencing. It is located on and accessed directly from a narrow lane with a surface comprising stone and vegetation, off Northgate Avenue linking the avenue with the A1101. This part of the lane allows rear access to some of the generous gardens of nearby properties, which mostly front or address surrounding highways with rear garden plots backing onto the lane. This pattern of development forms part of the established and overriding character and appearance in the vicinity of the appeal site.
4. This part of the lane is characterised by modest outbuildings, parking spaces, rear boundary treatments, and vegetation on the lane and neighbouring properties, resulting in an informal and verdant character and appearance. While the existing building and corrugated metal fencing are not in a particularly good state of maintenance, the appeal site is in keeping with the informal character and subservient scale and nature of buildings and boundary treatments in this location.
5. The proposed development would result in a significant increase in built development on the appeal site in terms of height, width and floorspace. The new dwelling would be considerably taller and larger in scale than the existing garage building, and considerably higher than other buildings and structures on this part of the lane. Notwithstanding the pitched roof form and split eaves

- design, given its height, scale and close proximity to the lane the dwelling would be an imposing, somewhat dominant, enclosing and significantly incongruent presence. Given its height and scale, it would be significantly and harmfully at odds with, and form a stark and jarring contrast with the established character of the lower scale fencing, walls, secondary accesses, outbuildings, and pleasant mature landscaping that line this part of the lane.
6. The dwelling would occupy nearly half of the plot being almost flush to three boundaries, with an uncharacteristically small garden area. The plot ratio and size would be significantly out of keeping with the area where most nearby houses and buildings are generally set within comparatively generously sized plots and mostly front an existing formal highway. The development would appear as a somewhat cramped development on an uncharacteristically small back land plot, significantly at odds with dwellings in proximity to the appeal site that form part of the overriding and established character. It would not result in an overall benefit to the appearance of the appeal site. Its cramped and incongruent appearance would be highly discernible from the lane and a number of surrounding residential properties close to the site.
 7. The irregular window positions and shapes fronting the lane, would be a prominent feature noticeably out of keeping with the appearance of the buildings in proximity on the lane and facades of nearby neighbouring dwellings, which have more traditional facades and window positions. Even if matters such as materials and detailed window design could be the subject of planning conditions, this would not overcome the other significant harm I have found.
 8. I have been referred to a number of permitted developments in the area. The full details, circumstances and range of considerations that lead to their approval are not before me, so a fully reasoned comparison with the appeal proposal is not possible. Of those I was able to see at my visit, the schemes on Avenue Approach are significantly different two storey buildings fronting the public highway and are more closely aligned with the grain of development and positioning of neighbouring dwellings. The development on Sandy Lane is a two storey development set back from the Sandy Lane frontage and is of a design, appearance, and layout more in keeping with dwellings to the east.
 9. I have little substantive detail of the approved layout and appearance of schemes fronting and on the corner of Norfolk Road. At my visit they had not been built out. However, these are for dwellings on considerably larger development sites and set within different contexts not directly comparable to the location, position, and design of the appeal proposal. Based upon the evidence before me, the recently permitted developments do not justify allowing this appeal proposal, which I have considered on its own merits.
 10. For the reasons set out above the proposed development would be significantly harmful to the character and appearance of the area. Therefore, it would conflict with Policy CS3 of the St Edmundsbury Core Strategy (2010) and Policies DM2 and DM22 of the Joint Development Management Policies Document (2015). In combination and amongst other things these policies seek to ensure development maintains and recognises key characteristics of townscape character and sense of place, enhancing the area and contributing to a high quality environment. These policies are consistent with the design

objectives of the National Planning Policy Framework (2019) (the Framework) which seeks to ensure good contextually appropriate innovative design.

11. The development would also conflict with paragraph 127 of the Framework. This seeks to ensure developments are sympathetic to local character including the surrounding built environment and landscape setting.
12. The development integrates a resource and energy efficient construction, some innovation in design and has regard to some of the considerations and aspects set out in the development plan and the Framework. However, given the harm I have found I cannot agree the site would be considered a suitable site, referenced in paragraphs 68 and 118 of the Framework. Paragraph 131 of the Framework expects designs to fit in with the overall form and layout of their surrounds, which is not the case for this development. The aspects of design policy support do not overcome the harm I have found.

Planning Balance

13. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration. The development would be in conflict with the development plan and the Framework taken as a whole.
14. The Council has a 112% Housing Delivery Test measurement for 2020, and it is of the view it can demonstrate a Housing Land Supply (HLS) of 5.7 years. However, this is not a ceiling to delivery. I note the concerns of the appellant in respect of the basis, methodology and approach of the Council in reaching its conclusions in respect of its HLS position. If I were to agree with the appellant on this matter, the policies most important for determining the application are considered out of date and the conflict with the development plan policies attracts reduced weight. Paragraph 11d) of the Framework states that in such circumstances, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The proposed use might be considered more in keeping with the residential character of the area. However, based upon the evidence before me and at my visit, I see no substantive evidence the existing use results in discernible harm with respect to neighbouring occupiers, vehicle movements or the character of the area. There might be a small improvement in surveillance and security on the lane and reduced vehicle movements. However, while it is understood to have been previously vandalised, the benefits of this single dwelling in this regard would be likely to be small. There is also no substantive evidence of wider security concerns on the lane, or that security and the site appearance could not be improved by more modest maintenance and security measures.
16. The proposed development would result the provision of a single dwelling that makes efficient use of a brownfield site within the settlement boundary, and as a small windfall site, might be built out relatively quickly. It is well located for access to services and facilities. It would result in a small temporary economic benefit during construction, and once occupied a small sustained benefit to the local economy. An additional dwelling would result in a small social benefit and support strong, vibrant, and healthy communities. Taking into account the effects of the Covid-19 pandemic, the economic and social benefits of one

dwelling, the crime prevention benefits, and reduced vehicle movements, are small benefits, attracting limited weight in favour of the scheme.

17. The development would be constructed in a manner and materials lessening its environmental impact and would be designed to be resource and energy efficient. However, the evidence does not demonstrate an overall net benefit in respect of its environmental effects. Compliance with policy objectives in respect of these matters, and those such as parking and space provision, are more of a neutral matter attracting neutral weight.
18. The conflict with the policies of the development plan and the Framework in respect of character and appearance is significant and given the harm identified the conflict still attracts significant weight against the development. Even if I accept the appellant's case in full and there was an acute shortage of dwellings, I find the harm identified to character and appearance significantly and demonstrably outweighs the benefits of the development when assessed against the policies of the Framework taken as a whole. Therefore, the appeal should be dismissed.

Conclusion

19. The proposed development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR