
Appeal Decision

Site visit made on 7 April 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/X3540/W/20/3266115

Red Lodge, The Street, North Cove NR34 7PU

- 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 Gary Lambert, G and T Homes Ltd. against the decision of East Suffolk Council.
 - The application Ref DC/20/2357/FUL, dated 28 June 2020, was refused by notice dated 18 November 2020.
 - The development proposed is Demolition of existing dwelling and replacement with three detached bungalows, garages and all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The main parties indicate that the development would have likely significant effects on one or more European sites. The appellant has submitted evidence that payment has been made to the Council in accordance with the requirements set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy. I return to this matter later in my decision.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to external amenity space.

Reasons

Character and appearance

4. The appeal site comprises a roughly triangular plot of land with a flat aspect. It accommodates a single derelict dwelling and is accessed from Fountains Lane which also serves three other dwellings; a single storey property located opposite the site, set within a spacious triangular shaped plot, and two detached single and part two storey detached dwellings, located at the southern extent of the lane. The site has recently been cleared of trees and vegetation save for two trees in its south east corner (T1 and T2 as identified on the submitted 'tree constraints plan'). It therefore has an open appearance and affords views from the lane to a residential cul-de-sac of single storey dwellings to its south and west.

5. Nevertheless, because of the narrow width and unmade nature of the lane, with its central grass strip and edges, the mixed species maintained hedgerow running along its north eastern side, intermittent mature trees, and the low density of existing development adjacent to it, the predominant character and appearance of the site's immediate surroundings is semi-rural.
6. The appeal proposal would result in the provision of three single storey, three bedroom dwellings with detached garages positioned around a shared access point. Effectively a small cul-de-sac arrangement. This layout, with its wide access road, and substantial level of built form, would result in a development of suburban appearance and character that would be significantly at odds with its surroundings. The site would be capable of containing the scale of development proposed and it would be of a density akin to the residential development to the west and south of the site (on The Pightle). However, the proposal would be predominantly viewed in the context of Fountains Lane, where the prevailing pattern of development is lower in density.
7. Although the access details are considered acceptable in terms of highway safety, and a single access point has been proposed to keep access points off the lane to a minimum, it would be a dominant suburban feature which would be visually conspicuous in its surroundings. Even taking into consideration the retention of trees T1 and T2, and the provision of boundary planting to provide some screening and softening of the development alongside the lane, the proposal would still appear obvious in its surroundings because of the number of buildings within close proximity to the lane and the uncharacteristically wide and formalised appearance of the proposed access. Consequently, a condition requiring landscaping would not mitigate the harm I have identified.
8. The site is not located within a protected landscape area, nor is it identified as an important open or green space in the East Suffolk Council Waveney Local Plan 2019 (LP). Nonetheless, the density, form and layout of development proposed would, for the reasons set out above, be unacceptably harmful to the semi-rural character and appearance of the immediate area. This would be the case despite the proposed dwellings being single storey with materials used that would reflect those of nearby dwellings.
9. I conclude that the proposal would unacceptably harm the character and appearance of the area. It would conflict with LP Policies WLP8.29 and WLP8.33 which require development to demonstrate high quality design and to respond to local character.

Living conditions of future occupiers

10. In order to accommodate three dwellings within the site, Plot 3 would be positioned in close proximity to trees T1 and T2. The appellant has submitted a tree survey and arboricultural implications assessment which provides an assessment of the physiological and structural condition of the trees, and a tree constraints plan is also provided which shows the extent of the root protection areas (RPAs) and canopy spread of these trees.
11. Whilst the RPAs of these trees would be largely avoided by the position of the buildings within Plot 3, and could be further protected by the imposition of conditions, including requiring the use of specialised foundations in the construction of the Plot 3 dwelling, a significant proportion of the rear garden of this dwelling would be under the canopies of these trees. This would result in

significantly low levels of natural light within the rear garden area. There would likely be future pressure to lop, top or even remove these trees to prevent nuisance or where the private external space becomes unduly gloomy. Any loss or work detrimental to the appearance of the trees would further harm the character and appearance of the area.

12. Even if the retention of these trees was required by the imposition of conditions, in the manner suggested by the appellant, it would be difficult to resist an application to vary such a condition in order to undertake work to the trees, particularly if applications were proposed in the interest of resident safety or damage to property.
13. The proximity of Plot 3's dwelling and rear garden area to the retained trees would result in overshadowing and overbearing impacts on the external space, detrimental to the living conditions of future occupiers. Accordingly, it follows that the proposed development would not provide satisfactory living conditions for future occupiers, with particular regard to external amenity space. Thus, it would conflict with LP Policies WLP8.29 and WLP8.33. It would also conflict with the aims of the National Planning Policy Framework (the Framework) in this regard.

Other Considerations

14. The principle of development is not in dispute and I acknowledge the extant outline permission for two dwellings at the site. The appellant contends that this permission is for two storey dwellings and, would therefore have a similar visual impact to the appeal proposal. It is suggested that the appeal scheme would be preferable, in terms of the scale and form of development in relation to its surroundings, where single storey dwellings prevail. However, from the evidence before me, the extant permission is with all matters reserved. The scale and consequently, whether or not two storey development would be acceptable in this location has yet to be determined. The comparability of the extant and proposed schemes is therefore unclear. Consequently, this matter attracts limited weight in my considerations and does not outweigh the harm I have identified.
15. The appellant has provided a Preliminary Ecological Appraisal (PEA) including a preliminary bat roost assessment, which states that as a result of the clearance works undertaken, the ecological value of the site interior is very low. However, it also states that should the retained trees (T1 and T2) be likely to be impacted by the proposed development, a detailed tree bat roost assessment would be required. The PEA also recommends other mitigation and enhancement measures in relation to protected species, including nesting birds. The Council's second reason for refusal makes reference to LP Policy WLP8.34 and the potential need for the further surveys as set out in the PEA. However, as I have found the proposal to be unacceptable for other reasons, I do not consider it necessary to further consider the implications of the proposal in relation to Policy WLP8.34 and protected species.
16. The proposal would make a modest boost to the supply of housing by the delivery of three dwellings, utilising previously developed land in an accessible location. The Framework recognises the important contribution that small and medium sized sites can contribute to meeting the housing requirement of an area. I afford these benefits modest weight commensurate with the quantum of

development proposed. The limited social and economic benefits to the area resulting from the construction of three dwellings would be modest.

17. In acknowledging these benefits, I do not consider that they outweigh the harm and the policy conflicts I have identified and to which I attribute significant weight. Accordingly, there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. It is, therefore, not necessary that I consider the effect of the proposal on European sites, as such an assessment would have no bearing on my decision. Although the parties consider this matter to have been addressed, should I have found the proposed development acceptable, it would have been necessary for me to give further consideration to the impact upon European sites in accordance with the Habitats Regulations.

Conclusion

18. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector