



Appeal Decision

Site Visit made on 25 May 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/W3520/W/20/3264393

Land at rear of Cedar Cottage, The Street, Occold, IP23 7PS

- 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 Hartbuild Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/00263, dated 21 January 2020, was refused by notice dated 8 July 2020.
 - The development proposed is the erection of 1no. two storey dwelling with attached garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Hartbuild Ltd against Mid Suffolk District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of adjoining occupiers.

Reasons

Character and appearance

4. The appeal site is an area of land located at the end of Church Street close to the junction with the B1077. The site is bordered on one side by the recent development known as 'Cedar Rise', and the proposal would also be located adjacent to 'Cedar Cottage' which has been considered by the Council as a non-designated heritage asset. The appeal site sits at a significantly higher level than Cedar Cottage, and 2 metres higher than Church Street at the point in front of Cedar Cottage.
5. The proposed development comprises a detached two-storey dwelling which would be sited at the end of Cedar Rise, effectively continuing the linear development along this side of Church Street. The proposed dwelling would be sited further forward of the predominant building line of the dwellings at Cedar Rise and close to the boundary between the appeal site and the rear boundary of Cedar Cottage. The proposed development would have an attached garage to the front elevation, and although this would have a lower ridge height than the rest of the proposed dwelling, the steep pitch of the garage roof and its

position close to the rear boundary of Cedar Cottage would result in a cramped frontage. The proposed garage would also provide limited separation from the rear boundary and garage of Cedar Cottage, and due to the change in site levels would result in an awkward relationship between the appeal proposal and the pitched roof garage of Cedar Cottage when viewed from Church Street. Although there is some vegetation between the side of the garage of Cedar Cottage, the proposal would still be highly visible from Church Street due to the lower hedging to Church Street, combined with the change in site levels. As such, the proposal would appear incongruous in the context of the adjacent garage and the wider streetscene.

6. When approaching the village from the south west along the B1077, long views of the existing development at Cedar Rise are possible. The proposed development would be seen as a continuation of the existing development into the landscape. Due to the land levels at the point of the appeal site, I consider the proposal would be highly prominent in the landscape. There is little landscaping present that would reduce the prominence of the proposal which is exacerbated by its height and the elevated site level. Whilst the imposition of a planning condition to provide landscaping could slightly soften the effect of the proposal's boundaries, I consider that the height of the proposal, its dominance and proximity to the site boundary would not enable sufficient landscaping to satisfactorily address my concerns. As such, I consider the presence of a two storey-dwelling would be so prominent that it would result in harm to the character and appearance of the area.
7. The appellant has indicated that the proposed development has been designed to be sensitive to both the landscape and the adjacent Cedar Cottage which the Council considers a non-designated heritage asset. Cedar Cottage has a rendered exterior and a pitched roof covered with traditional clay pantiles. Whilst the cottage is not a Listed Building, its' historic character nonetheless makes a positive contribution to the wider streetscene of this part of Church Street. I consider it has some modest significance due to its traditional design, including its steep pitched roof and is therefore appropriately identified as a non-designated asset. Policy HB1 of the Mid Suffolk Local Plan (1998) ('the MSLP') seeks to protect all buildings of architectural or historic interest. The appeal proposal is separated from Cedar Cottage by around 15 metres providing a reasonable separation distance from the appeal proposal. Whilst the appellant does not consider the cottage to have any significance as a heritage asset, I consider that there would be some limited harm to Cedar Cottage due to the prominence of the appeal proposal on its curtilage.
8. The appellant has indicated that Policy FC1 of the CSFR which addresses the presumption in favour of sustainable development following the 2012 iteration of the Framework is out of date as it is not consistent with the current Framework. The appellant has drawn my attention to an appeal decision elsewhere in the District which supports this position. Although the policy remains part of the Development Plan, in light of the provisions of paragraph 11 of the current Framework (2019), policy FC1 has very limited weight due to the tests it imposes. Nevertheless, due to the harm I have identified in respect of the character and appearance of the area, the proposal would not accord with policy FC1 overall.
9. In light of the above, I consider that the proposed development would result in harm to the character and appearance of the area. As such, it would be

contrary to the provisions of policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focussed Review (2012) ('the CSFR') which states that, amongst other things that proposals for development must conserve and enhance the local character of the different parts of the district. It would also be contrary to policies H13, H15, GP1 and HB1 of the MSLP which seek, amongst other things, that design and layout should respect the character of the proposal site and the relationship of the proposed development to its surroundings, that new housing should be consistent with the configuration of the site and its natural features, that proposals maintain or enhance the character and appearance of their surroundings and that high protection is given to all buildings of architectural and historic interest.

10. The proposal would also be contrary to paragraphs 127, 130 and 197 of the National Planning Policy Framework ('the Framework') which, amongst other things seek development to add to the overall quality of the area, ensure developments are visually attractive as a result of good layout and appropriate and effect landscaping, that permission should be refused for development that fails to take the opportunities for improving the character and quality of an area and that the balanced judgement will be required having regard to the scale of or any harm or loss of a non-designated heritage asset.

Living conditions

11. As discussed above, the appeal site is significantly higher than the adjacent Cedar Cottage with a considerable change in ground levels between. The design of the appeal proposal utilises rooflight windows in the north-west side elevation. Although the lower rooflights would be at a similar height to the upper floor windows of Cedar Cottage, the siting of the appeal dwelling at around 90 degrees to Cedar Cottage, combined with the set back of the sitting room is such that this would minimise views into Cedar Cottage. Furthermore, the proposed development would be set back around 15 metres from the nearest corner of Cedar Cottage. As such, I do not consider that there would be harm as a result of overlooking.
12. The change in site levels of approximately 2 metres according to the appellant's topographical survey, which, combined with the proximity to the site boundary would result in the dwelling having an unduly dominant effect on the rear amenity space of Cedar Cottage. The positioning of the appeal proposal directly to the south of the rear curtilage of Cedar Cottage would result in an oppressive outlook and would have an overbearing effect on the rear amenity space of the adjoining occupiers.
13. In addition, the north-west elevation of the proposed development would have a large area roof-plane, the uniformity of which would only be interspersed with rooflights. As a result of the significant area of roof-plane, I consider this would result in the dwelling appearing bulky and of a significantly increased scale to Cedar Cottage. This bulk and scale, combined with the proximity of the proposal to the appeal site boundary compounds the overbearing and would result in harm to the living conditions of the occupiers of Cedar Cottage.
14. Having regard to the above, I consider that the proposed development would result in harm to the living conditions of adjoining occupiers. As such, it would be contrary to policies H16 and H13 of the MSLP, which seek to protect the existing amenity and character of residential areas and protect the amenities of neighbouring residents.

Other Matters

15. The Council's decision notice indicated concerns regarding the proposal not providing for affordable housing contributions in accordance with policy H4 of the MSLP. However, during the appeal process, the Council indicated that this reason for refusal was made in error having regard to the provisions of paragraph 63 of the Framework and that policy H4 is not consistent with the Framework in this regard. In light of the Council's position and my conclusions on the main issues, it is not necessary to consider this point further in this decision.
16. A number of concerns have been raised by local residents in respect of, amongst other things, whether the original planning application was considered having regard to a site visit, concerns regarding the timeliness of infrastructure payments and drainage matters. The Council's consideration of the original application is not a matter before me. However, in light of the harm I have identified in respect of the main issues the fact I am dismissing the appeal, it is not necessary for me to address these matters in further detail in this decision.
17. The proposal would have a number of benefits including providing an additional family dwelling which would contribute to meeting housing needs in the District. It would also provide an economic benefit through its construction albeit this would only be for a temporary period. The proposal would provide a social benefit as future residents would be able to support the use of local services and facilities which could be accessed without reliance on the private car. However, as this proposal is only for a single dwelling, these benefits are modest and therefore only afforded limited weight in my considerations.

Conclusion

18. The proposed development would result in a number of benefits including making a contribution to meeting housing need along with the economic and social benefits described above. Notwithstanding these benefits, I conclude that the proposal would result in harm to the character and appearance of the area and harm the living conditions of adjoining occupiers, as well as result in some limited harm to the non-designated heritage asset.
19. The proposal would only result in the creation of a single dwelling and as such, the benefits would be modest and would not be sufficient to outweigh the level of harm I have identified against the main issues. Furthermore, due to the harm identified the proposal would not accord with the Development Plan when considered as a whole.
20. Therefore, for the reasons set out above the appeal is dismissed.

Philip Mileham

INSPECTOR