



Appeal Decision

Site Visit made on 25 May 2021 by Emma Worby BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/F3545/W/21/3267847

47 Hospital Road, Bury St Edmunds IP33 3JU

- 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 W J Baker Property Management Ltd against the decision of West Suffolk Council.
 - The application Ref DC/20/1740/FUL, dated 8 October 2020, was refused by notice dated 15 December 2020.
 - The development proposed is a new two storey dwelling and forming of a new vehicular and pedestrian access.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the site and the surrounding area,
 - the effect of the proposed development on the living conditions of the occupiers of 1 Petticoat Lane, in relation to outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal site currently forms part of the rear garden belonging to the property at 47 Hospital Road and is occupied by a lawn, several shrubs and two sheds. The site is on a corner plot close to the junction between Hospital Road and Petticoat Lane with the surrounding area largely comprised of detached residential properties of various designs, set back from the road and with large rear gardens. There is also a recently developed apartment block on Petticoat Lane, along with a petrol filling station and public house. The proposed dwelling would front Petticoat Lane, with the creation of a new vehicular and pedestrian access replacing part of the existing boundary wall.
5. The location of the proposed dwelling at the top of the road at a higher ground level, would make it a visually prominent addition to the streetscene and highly

visible from the public realm. It would be set forward of other dwellings on the eastern side of Petticoat Lane and therefore would be closer to the highway, increasing this prominence. It would also have a much smaller garden than others in the vicinity, which although not visible in the streetscene, still comprises part of the spatial character of the area. These factors would make the proposal contrary to the grain of development in this location, which would be out of keeping and to the detriment of the character and appearance of the surrounding area.

6. The proposal would only be visible in limited views from Hospital Road and would not be visible from the front of No.47. However, the proposal would significantly reduce the length of the garden at No.47, in an area which is characterised by large gardens providing a spacious feel. This would further alter the pattern of development in the area and would result in a less spacious site and a proposed development which would appear cramped within its surroundings.
7. It is noted that a large development of 10 apartments was recently approved on the other side of Petticoat Lane. However, these apartments are on a larger site, replaced an existing dwelling and are set lower in the road, closer to other types of buildings such as the public house and petrol filling station. Therefore, as the setting is somewhat different, this development has had no significant bearing on the current appeal and my conclusions.
8. As the proposed development would harm the character and appearance of the site and the surrounding area, it would conflict with Policies CS3 of the Forest Heath Core Strategy Development Plan Document (2010) and DM1, DM2 and DM22 of the West Suffolk Joint Development Management Policies Document (2015). These policies require the local distinctiveness of the District's landscape to be recognised and protected, ensuring development does not adversely affect significant street patterns and supports the continuity of built form. The proposal would also be contrary to the general design objectives of the National Planning Policy Framework.

Living Conditions

9. Although the appeal site is set at a slightly higher ground level than the property at 1 Petticoat Lane, there would be a sufficient separation distance between the proposal and this neighbouring property to prevent any significant impact on this neighbouring occupier's outlook from the dwelling itself. Due to the layout of the site and the forward positioning of the proposal, the garden at No.1 would also be some distance from the proposed dwelling, thereby preventing any harmful impact on the neighbour's outlook from this amenity space. Furthermore, as the proposal would be located to the north of this neighbouring property, the impact on daylight and sunlight received by No.1 would be minimal.
10. In conclusion, the proposed development would not affect the living conditions of the neighbouring occupiers at 1 Petticoat Lane and therefore would not conflict with Policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document (2015). The relevant sections of these policies ensure new development does not adversely affect residential amenity and bases design on an analysis of existing buildings.

Other Matters

11. The proposal is within the settlement boundary of Bury St Edmunds and therefore is located in a sustainable location where the principle of residential development is generally acceptable. However, although the principle of the development may be acceptable and the proposal is intended to make efficient use of the land, this would not outweigh the significant harm found to the character and appearance of the area.
12. The appellant's concerns regarding the omission of a name on a letter of representation, are noted. However, this has had no bearing on my consideration of the planning merits of the appeal before me.

Conclusion and Recommendation

13. Although the proposed development would not harm the living conditions of the neighbouring occupiers, it has been found that the proposal would harm the character and appearance of the appeal site and the surrounding area. Overall, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR