

Appeal Decision

Site Visit made on 20 July 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/F3545/W/21/3267851

1 Mill Road, Gazeley CB8 8RW

- 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 Ms Tory Buxton against the decision of West Suffolk Council.
 - The application Ref DC/20/1576/FUL, dated 15 September 2020, was refused by notice dated 24 November 2020.
 - The development proposed is a detached dwelling.
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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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

4. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area, and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties in relation to outlook and privacy.

Reasons for the Recommendation

Character and Appearance

5. The appeal site currently forms part of the driveway, parking area and rear garden of 1 Mill Road and has access from the road via an existing track to the side of the property. The site is located within a residential area which is rural in nature with a spacious layout along Mill Road and surrounding open fields. Although the relationship of dwellings to the road varies along Mill Road, the proposal would be viewed in the context of the adjoining dwellings Nos 1 and 2 which are sited close to the road.
6. The siting of the new dwelling set back from the road would be at odds with the adjoining dwellings and as a consequence it would appear incongruous in the streetscene. Moreover, its close proximity to the dwelling at No 1 would result in a cramped form of development, not characteristic of this part of Mill Road.
7. It is noted that the front section of the proposal has been modelled on neighbouring properties with similar materials and a similar size to the host dwelling at No.1. However the absence of a front door on the front elevation lacks legibility and the overall size of the dwelling with its sizeable rear wing would give it an overly large and bulky appearance which would dominate the neighbouring properties. The proposed infill property would also enclose a gap between the existing dwellings, resulting in a negative impact upon the current rural and spacious appearance of the appeal site.
8. Therefore, the proposal would harm the character and appearance of the appeal site and the surrounding area and would conflict with Policies DM2, DM13 and DM22 of the West Suffolk Joint Development Management Policies Document (2015). These policies collectively seek to ensure new development recognises and addresses key features of the area and is sympathetic to the character of the landscape whilst maintaining or creating a sense of place by basing design on an analysis of existing buildings and landscape.
9. The proposal is also contrary to the general design principles within the National Planning Policy Framework. Policy CS5 of the St Edmundsbury Core Strategy (2010) is not relevant to the appeal before me, as this relates to affordable housing on larger sites.

Living Conditions

10. The proposed dwelling would have five rooflights on the side of the rear wing, these would serve bathrooms and the hallway on the first floor. Although their height from first floor level is unknown and the rooflights may offer views into the neighbouring gardens, the appellant has stated that these could be obscure glazed to prevent loss of privacy. As they do not serve habitable rooms, obscure glazing would be acceptable to prevent any overlooking which may result from the rooflights. This could be secured by condition.
11. The proposed dwelling would also be in close proximity to the existing dwelling on the site, with the side elevation of the proposed building adjacent to the rear garden of No.1. The main part of the proposed dwelling would be greater in height than the existing dwelling, however it is set at a slightly lower ground level. Due to this and the perpendicular nature of the layout between the proposal and the dwelling at No.1, it would not have a significantly overbearing

impact on this neighbouring property. A pleasant open outlook would remain for the occupiers of No 1.

12. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers and accordingly, the proposal complies with Policy DM2 of the West Suffolk Joint Development Management Policies Document (2015), which seeks to ensure that new development does not adversely affect the amenity of adjacent areas by reason of overlooking and overshadowing.

Conclusion and Recommendation

13. Although the proposed dwelling would not harm the living conditions of the neighbouring occupiers, it would result in significant harm to the character and appearance of the site and surrounding area. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

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

R C Kirby

INSPECTOR