



Appeal Decision

Site Visit made on 10 August 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday, 13 September 2021

Appeal Ref: APP/W3520/W/21/3270796

Land Off Jackson Place, Barham IP6 0PQ

- 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 C. Leggett against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/05627, dated 9 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the living conditions of 12 Jackson Place, with particular reference to noise.

Reasons

Character and appearance

4. The appeal site consists of an undeveloped plot of land to the rear of Jackson Place. This contains a number of different dwelling types, however, these are arranged in a linear pattern. In addition, other dwellings are also arranged in a strong linear pattern.
 5. Therefore, whilst there are some differences in the design and proportions of dwellings, there are some unifying trends in that dwellings have a strong linear pattern and have direct frontages that face the highway.
 6. In contrast, the appeal scheme would comprise a detached dwelling located to the rear of the existing dwellings. This would therefore render the proposed development incongruous as the proposal would not be located in a linear form and would not have a direct frontage onto Jackson Place.
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7. In particular, the proposed development would also be a strident addition to the local area given that views of the proposed development would be possible from a large number of the surrounding dwellings. Therefore, the erosion of the existing character would be readily apparent.
8. Although the proposed development would be of a single-storey, elements of the building would be readily apparent over the site's boundary treatments. In addition, some views would be possible from the upper floor windows of the nearby houses.
9. Given the variety of designs of dwellings in the surrounding area, the specific design of development would not appear unusual. However, this would not overcome the adverse effects on the character and appearance of the surrounding area owing to the lack of a distinct street frontage and the proposed dwelling's siting.
10. I acknowledge that the appeal site was not developed at the same time as Jackson Place. However, the development of Jackson Place reflects the predominantly linear form of the surrounding area. This is in contrast to the appeal scheme. Therefore, the fact that Jackson Place is a more recent development does not allow me to disregard my previous concerns.
11. Although other new developments have been carried out in the surrounding area, these maintain the linear form of development that is a feature of the settlement. Therefore, the presence of these newer dwellings does not allow me to disregard my previous concerns.
12. The proposed development would represent the use of a currently vacant plot. However, I do not have any evidence before me that indicates that this site was originally scheduled to be included within the wider development of Jackson Place. Therefore, given the role that street frontages play in defining the area's character, I do not find that this overcomes the previously identified adverse effects.
13. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies GP1, H13, H15 and H16 of the Mid-Suffolk Local Plan (1998) (the Local Plan). Amongst other matters, these seek to ensure that new developments do not erode the character of the surrounding area; that proposed new housing be consistent with the pattern and form of development in the neighbouring area; be of a high standard of design and layout; and maintain or enhance the character of their surroundings.

Living conditions

14. The appeal site would be accessed via a narrow road, which runs from Jackson Place. To the side of this access road is No. 12 Jackson Place, which is a bungalow with a garden to the rear.
15. The proposed development would result in an increase in the level of usage of the access road by vehicles owing to the need to access the proposed dwelling. The movement of such vehicles is likely to generate noise and disturbance. In addition, noise is likely to be generated by the vehicles manoeuvring and turning at the appeal site.

16. Such noise is likely to have an adverse effect upon the living conditions of the occupiers of No. 12 as the garden features a relatively low fence. This means that the noise of vehicles would be clearly audible in the rear garden and, potentially, within the dwelling during periods when the rear elevation windows are open.
17. Whilst the proposed development would be of a single dwelling only, there is the potential for the occupiers of the proposed development may undertake car journeys during the latter part of the evening, or early morning when residents of the neighbouring properties would expect a greater level of peace and quiet.
18. In result, the movement of vehicles has the potential to create excessive amounts of noise and disturbance to the detriment of the living conditions of the occupiers of No. 12.
19. There are no windows on the side elevation of No. 12. However, the rear elevation windows and the garden are close to the access road. Therefore, there is a notable likelihood of noise from the use of the access road being audible within the neighbouring dwelling.
20. In addition, owing to the layout of the appeal site and the neighbouring properties, I am not persuaded that it would be possible to install additional screening that would overcome these adverse effects.
21. Although agricultural vehicles might have use of the access road, this is not likely to occur with the same degree of frequency as the number of vehicle movements associated with a domestic dwelling. In addition, there is also a possibility that delivery vehicles attending the proposed dwelling might use the access point.
22. I understand that planning permission has previously been granted for the use of the site for dog-walking. The evidence before me does not indicate that this remains the current use of the land. However, if I were to assume that it was, I would observe that owing to the lack of lighting on the site, there is not a significant likelihood that this would be used during periods of darkness. This contrast with the proposed dwelling where vehicle movements during night-time periods can be expected. Therefore, this does not overcome my previous concerns.
23. I therefore conclude that the proposed development would have an adverse effect upon the occupiers of No. 12. The development, in this regard, would conflict with Policy H16 of the Local Plan. Amongst other matters, this seeks to ensure that developments should not reduce the amenity of surrounding dwellings.

Other Matters

24. The evidence before indicated that the appeal site is in an accessible location. Whilst this is a matter of note, it is only one of all the matters that must be considered. Therefore, this does not outweigh my previous conclusions.
25. I acknowledge that the proposed development is unlikely to lead to an adverse effect on matters including flood risk, heritage, and biodiversity. However, these points do not overcome my findings in respect of the main issues.

26. The proposed development would add to the local supply of housing and would provide some economic benefits during the construction process and support of local services by residents of the development. However, such benefits are likely to be small owing to the scale of the development. Therefore, this does not mitigate the previously identified adverse effects.

Conclusion

27. The proposal would have an adverse effect on the character and appearance of the surrounding area and would have a detrimental effect on the living conditions of the occupiers of No. 12. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR