



Appeal Decision

Site visit made on 25 October 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/F3545/D/21/3279262

6 Brockley Road, Wepstead, IP29 4TW

- 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 N Foley against the decision of West Suffolk Council.
 - The application Ref DC/21/1050/HH dated 10 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is erection of a single storey double garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states that the proposal is for the erection of a single store double garage. I have corrected this within the header of the decision letter to *storey* as can be seen above for the avoidance of doubt.
3. Shortly after the determination of this application, and the day after this appeal was submitted, the revised National Planning Policy Framework (the Framework) was published on 20th July 2021. Given the main issue to be considered within this appeal I do not find that this revision to the Framework impacts upon the basis of determination for this appeal.

Main Issue

4. The main issue is the impact of the proposal upon the character and appearance of the surrounding area.

Reasons

5. The appeal site is to the front of a semi-detached residential dwelling which is accessed off Brockley Road beyond any defined settlement boundary. It is, therefore, in a semi-rural area and this is reflected in the general street scene. At the time of my site visit I found the properties in the wider area to be generally mixed in character and appearance, however, the appeal site is located in a row of semi-detached dwellings which are of similar appearance and scale with a uniform building line. Within this row of dwellings there are notably no domestic outbuildings forward of the principal elevations which creates a sense of uniformity and contributes to the verdant setting immediately around, and to the front of, the appeal site distinct from the opposite side of the road.
6. Whilst there are a very small number outbuildings forward of the building line in the wider area, I find that these were less notable during my site visit mainly

due to them being set back further from the edge of the highway, within the curtilage, compared to the proposal which is the subject of this appeal. I noted a double garage at Fern House, on the opposite side of the road just North of the appeal site, but this stands comparably with the built form of the neighbouring house (Stag House) and thus does not present as an alien feature due to the immediate site characteristics and surrounding built form. This is not the case for the appeal proposal which is located in a differing immediate site context with its own immediate character.

7. The appeal proposal would measure 8m x 6m with an eave height of 2.5m according to the front face elevation (A) plan. The dual pitched roof would have a ridge height of 3.35m. It would be located 2m from the front boundary of the property which is bound by an established hedgerow stated (at the point of application) to be in the region of 2.7m in height. Between the edge of hedgerow, and the metalled part of the road, is a minimal section of grass verge which would be likely no more than a metre in width at best from my observations. The proposal is therefore located in notably close proximity to the road which means it is in a prominent location.
8. The hedgerow is demonstrated on the submitted plans as exceeding the eave height of the proposal. Whilst I find that the presence of the hedgerow may, to some extent, lessen the visual impact upon the appearance of the area as a result of the bulk proposal there would still be a part of the roof projecting above the hedgerow at 6m and 8m (in length) respectively depending on view point. This I find would be visually notable on the approach to the appeal site, particularly when approaching from the South. I note the appellant's contention that the hedge now exceeds 3.5m in height but notwithstanding this character and appearance are two distinct and separate matters. Appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area.
9. Even if I concurred that there was limited impact upon the appearance of the area and street scene, this does not change the assessment of character. In this case the area is characterised, as outlined above, by a lack of built form forward of the uniform building line. The uniformity of the row of dwellings either side of the appeal site is more notable compared to the opposite side of the road. I do not find the parking of cars to be of a comparison to the scale of built form proposed and, whilst my visit is only a snapshot in time, I saw very few cars parked within what was an extensive garden area forward of the front elevation.
10. The appellant suggests a condition requiring retention of the hedges at a height of 2.3m within their statement. I have considered whether a condition, to ensure retention of the hedgerow, would assist in making the proposal acceptable but I find that the presence of a large double garage, whether visible or not, would be an uncharacteristic introduction of built form close to the road within a row of semi-detached dwellings which currently do not have built form forward of the building line.
11. References to other development are also noted, however, I have been provided with no further information on them such as plans, details of consent or similar to be able to make any further assessment or apply weight to them within this appeal. Notwithstanding this, these do not create a precedent.

Each case must be assessed on its own merits. The appellant's preferences are noted; however, they do not warrant a departure from the Local Plan.

12. The appellant makes reference to the Framework stating that refusals should only be issued where the harm would be significant and outweigh the benefits. This is, unfortunately, an incorrect assertion which presumably seeks to make reference to the presumption in favour of sustainable development contained in paragraph 11 d) ii) of the Framework. In this case paragraph 11 is not engaged, there are relevant development plan policies applicable to the proposal and I have no evidence to support that the Local Plan is out of date. The starting point for determination of proposals is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. The Framework, whilst a material consideration, does not change this.
13. Overall I find the scale and positioning of the proposal to have unacceptable impact upon the character and appearance of the area. The proposal would be contrary to West Suffolk Joint Development Management Policies Document 2015 (MPD) Policy DM2 which seeks to maintain local character and not adversely affect individual or groups of buildings and MPD Policy DM24 which requires ancillary development within the curtilage of dwellings to respect the character of the immediate and surrounding area. The proposal would also be contrary to Core Strategy Development Plan Document 2010 (CS) Policy CS3 which requires proposals to take account of local distinctiveness.

Other Matters

14. The Council's delegated report makes reference to objections from the neighbouring property at Green Acre based upon scale and appearance, impact upon the street scene and commercial use. I do not, however, appear to have received a copy of this as part of this appeal. Despite this I have dealt with these matters within this decision notice with the exception of commercial use. Even if the proposal had been found to be acceptable in other regards it would be a domestic outbuilding which could not be utilised for commercial purposes without further, express, consent from the Council.
15. I note concerns regarding the Council's handling of the application, and general approach, within the appellants comments as well references to potential other schemes or revised locations. These are not matters which fall within the scope of this appeal as I have in any case determined the appeal based upon its own merits taking into account the evidence before me.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR