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# Appeal Decision

Site Visit made on 9 November 2021

**by Graham Wyatt BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> December 2021**

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**Appeal Ref: APP/D3505/W/21/3275621**

**Christobel, White Street Green, Polstead CO10 5JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Elford against the decision of Babergh District Council.
  - The application Ref DC/21/00212, dated 11 January 2021, was refused by notice dated 10 March 2021.
  - The development proposed is described as the “proposed erection of 1 no. single storey dwelling”.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, landscaping, layout and scale are reserved for future determination. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.
3. Since the submission of the appellant’s appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework and I am satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

## Main Issues

4. The main issues in this appeal are:
  - the effect of the development on the character and appearance of the area,
  - the accessibility to services and facilities, and
  - the effect of the development on the living conditions of occupiers of the existing property with particular regard to noise and disturbance.

## Reasons

### *Character and Appearance*

5. The appeal site comprises a detached bungalow that is set back from the road and benefits from a large private garden to the rear. An existing vehicular access passes the side of the host property and leads to a single garage and a workshop building that are located at the top of the garden. The proposal seeks to demolish these buildings and to erect a single storey dwelling.

6. White Street Green contains a variety of size and style of property. Although its building line is varied, properties are largely arranged in a linear manner with principal elevations that face onto the road. The area is generally rural and has a spacious and open character that is reinforced by properties that tend to benefit from rear garden areas which, on the whole, are undeveloped, containing domestic outbuildings such as garages and sheds.
7. The proposal to develop the land to the rear of the site with a dwelling would be significantly at odds with the characteristic form of frontage development that prevails in the area. It would fail to reflect or respect the grain of the area and create a discordant, backland form of development that would be quite out of keeping with its established character, resulting in harm to its appearance. The harm I have identified would be visible through the access and from those properties that surround the appeal site.
8. Thus, the development would result in harm to the character and appearance of the area. It would be in conflict with Policy CS11 of the Babergh District Council Core Strategy 2014 (CS) which seeks, amongst other things, to ensure that developments respect local character and context.

#### *Accessibility*

9. The Council state that the location of the development would result in a high level of dependency on the private car, due to the lack of access to services and facilities in the area. Although White Street Green itself offers few services, there is a bus stop to the north of the site on Calais Street, with services to Sudbury, Hadleigh and Ipswich. However, whilst I am not persuaded that every resident will not walk to the bus stops or indeed cycle, I have not been provided with the frequency of services that operate from the stops. Moreover, the road does not have a footpath or street lighting which is likely to deter those with low mobility or small children from cycling and using public transport in the area, especially during the winter months and during bad weather.
10. Therefore, given the location of the proposed dwelling, future occupiers would be highly likely to be required to travel regularly by private motorised transport to access services and facilities such as education, retail, employment, and healthcare. The proposal would not, of itself, generate a large number of traffic movements and a greater dependency on car use is inevitable in more rural locations, and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the number of unsustainable journeys made. Furthermore, although I acknowledge that the development would provide charging points for electric vehicles, they would not promote the healthy benefits that can be gained from walking and cycling.
11. Thus, the development would be in conflict with Policy CS15 of the CS and paragraph 104 of the Framework which seek to minimise the need to travel by car and that opportunities to promote walking, cycling and public transport are realised.

#### *Living Conditions*

12. The Council argue that as the use of the access into the appeal side passes the side elevation of the host property, which contain a window to a habitable room and a rear conservatory, the noise created by vehicles entering and exiting the site would harm the living conditions of its occupiers.

13. However, the traffic movements associated with a single dwelling are likely to be minimal and the Council also has the ability to require that the existing surfacing of the access be bound in a material to reduce noise. Therefore, I am not persuaded that the development would cause significant harm as a result of noise and disturbance.
14. Thus, the development would not harm the living conditions of existing occupiers through noise and disturbance. It would not be in conflict with Policy CN01 of the Babergh District Council Local Plan 2006 and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments create places with a high standard of amenity for existing and future users.

### **Other Matters**

15. Although I acknowledge that backland development has been accepted elsewhere in the District, I have not been provided with all the details of the development at Sudbury<sup>1</sup> in order that I can make a direct comparison to the proposal before me. However, the Council confirm that the site in Sudbury is within a built-up area where backland development is more commonplace. Moreover, the existence of development elsewhere is not an appropriate reason to find in favour of a proposal that is otherwise harmful.
16. I acknowledge that there were no technical objections to the proposal and that the appellant refers to the development replacing existing single storey structures that have been erected under permitted development rights. However, for the reasons given above, the detrimental impact of the proposed dwelling on the character and appearance of the area would be appreciably greater than the existing workshop and garage.
17. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

### **Planning Balance and Conclusion**

18. There is a disagreement between the parties whether Policies of the CS are out-of-date with both parties providing an appeal decision to support their position. Should the policies that are the most important for determining the application be considered out-of-date, the tilted balance at paragraph 11 d) of the Framework would be engaged.
19. I acknowledge that there would be limited economic benefits resulting from the construction of the dwelling and as a small windfall development, it is likely to be built out relatively quickly. There may also be social benefits from the provision of a dwelling, assisting with the Council's need to boost the delivery of housing in the District. I also recognise that the development would not result in an isolated dwelling in the countryside and that sustainable building practices would be used in the construction of the property. Combined, given that the proposal is for a single dwelling, I would attach moderate weight to these benefits.
20. However, good design and its impact on the character and appearance of an area along with sustainable development are recognised by the Framework. Accordingly, given my findings outlined above concerning the resultant harm to the character and appearance of the area and the location of the appeal site in relation to services and facilities, the proposal would fail to meet the environmental and social dimensions of the Framework.

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<sup>1</sup> APP/D3505/W/20/3259784

21. Consequently, the harm I have found is serious and whether the policies that are most important for determining the planning application are out-of-date or not, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Therefore, the application of the tilted balance in paragraph 11 of the Framework does not indicate that planning permission should be granted.
22. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

*Graham Wyatt*

**INSPECTOR**