
Appeal Decision

Site visit made on 22 February 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3RD March 2022

Appeal Ref: APP/F3545/W/21/3282616

36 Bury Road, Brandon, Suffolk IP27 0BT

- 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 Betsie Nelson against the decision of West Suffolk Council.
 - The application Ref DC/21/0741/FUL, dated 26 March 2021, was refused by notice dated 11 August 2021.
 - The development proposed is erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are as follows:
 - (i) the effect of the proposed dwelling on the character and appearance of the surrounding area;
 - (ii) the effect of the proposed dwelling on the living conditions of the occupiers of No.36 Bury Road in respect of the provision and quality of amenity space; and
 - (iii) the effect of no off-street parking provision on highway safety in Bury Road.

Reasons

Character and Appearance

3. The appeal site comprises an area of garden land positioned between the gable end of No.36 Bury Road and the highway. The openness of the appeal site sits within a wider undeveloped gap along the frontage of Bury Road which also comprises the sizeable, landscaped garden to the front of No.32 Bury Road immediately to the north and the open side garden to No.54 Bury Road and the amenity land at the end of Elizabeth Road, both immediately to the south. The degree to which development is set back from the highway in this part of Bury Road, including at the appeal site, combines with the broad tree-lined verge on the opposite side of Bury Road to provide a pleasant, verdant street scene in this part of the town.
4. The appeal proposal would occupy most of the open gap between No.36 and the highway boundary. The scale and position of the proposed dwelling would appear in views from the south as a development that has been awkwardly wedged into the undeveloped space available. The proposed dwelling would be

oppressively closer to the footway edge compared to nearby dwellings elsewhere on Bury Road, including those with modest front gardens further to the south. The incongruously forward position of dwelling close to the highway would conspicuously erode and harm the pleasant sense of spaciousness described above. It would also be visually jarring due to both its bold intrusion forward of the building line in this part of Bury Road and its cramped relationship to No.36. Overall, the proposed dwelling would be poorly integrated into the surrounding pattern of development.

5. I therefore conclude that the appeal proposal would have a significantly harmful effect on the character and appearance of the locality. It would be contrary to Policy CS5 of the Forest Heath Local Development Framework Core Strategy Development Plan Document 2010 (*the Core Strategy*) and Policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015 (*the JDMPD*). It would also be contrary to the important national policy objective of achieving well-designed places set out in the National Planning Policy Framework (NPPF) including at paragraphs 126 and 130(a), (b), (c) and (d).

Living conditions

6. The proposed two storey dwelling and its curtilage would significantly reduce the amount of amenity space serving the host dwelling at No.36. Properties in the terrace containing No.36 generally have amenity space to the front (south). The area to the front of No.36 has been appreciably reduced by a sizeable extension. Consequently, the residual area of amenity space available to the dwelling following the subdivision to accommodate the appeal proposal would be too small to provide a meaningful garden area for modern living, including children's play and relaxation. I appreciate other properties in the terrace have similar sized areas of amenity space. These properties were built in the Nineteenth Century when expectations and needs for amenity space, including for physical and mental well-being, were markedly different and less understood. As such the standard of provision of amenity space in the host terrace should not set the pattern for development at the appeal site.
7. I therefore conclude that the appeal proposal would have a significantly harmful effect on the living conditions of the occupiers of No.36 Bury Road in respect of the provision and quality of amenity space. The proposal would conflict with Policy CS5 of Core Strategy and Policies DM2 and DM22 of the JDMPD which seek to protect residential amenity and the wider character of the area. The proposal would also fail to accord with paragraph 130(f) of the NPPF which seeks to create places that promote well-being and create a high standard of amenity for existing and future users.

Highway Safety

8. The appeal proposal would have no off-street parking provision. Whilst the site is within easy walking distance of the town centre there would be a realistic prospect that the appeal proposal would increase the demand for on-street parking in Bury Road. I attach significant weight to the advice from the Local Highway Authority that they do not classify the appeal site as being within a "main urban area" where parking standards for residential development could be reduced or no car parking provision made.

9. Whilst I observed that there are no parking restrictions on Bury Road closest to the appeal site there is a signalised pedestrian crossing a very short distance to the south of the appeal site. Whilst a short section either side of the crossing is protected by zig-zag markings, there is nothing to stop vehicles parking in very close proximity on either side of the crossing. In combination with the likely demand for on-street parking from the adjacent terrace containing No.36, which has negligible off-street parking provision, the appeal proposal would add to a cumulative demand for on-street parking. This would occur at a location that would hinder visibility for those using the crossing and for vehicles approaching the crossing. This would be a highly unsatisfactory arrangement on what appears to be a busy arterial route (B1106) into the town centre.
10. I therefore conclude that the absence of any off-street parking provision would have an unacceptable effect on highway safety in Bury Road. The proposal would be contrary to Policy DM46 of the JDMPD on parking standards. It would also be contrary to the 'Suffolk Guidance for Parking' (2019), as a material consideration. The proposal would also fail to accord with paragraph 111 of the NPPF in terms of ensuring unacceptable impacts on highway safety are avoided.

Conclusion

11. The proposed development would result in unacceptable harm in relation to all main issues in this appeal and it would be contrary to the relevant development plan policies. I have considered whether there are the material considerations that would justify a decision other than in accordance with the development plan. This includes the limited economic benefit during the construction phase and the social and environmental benefits from an additional dwelling in a sustainable location, but these are limited factors which clearly do not outweigh the identified conflict with the development plan. Accordingly, and for the reasons given, the appeal is dismissed.

David Spencer

Inspector.