



Appeal Decision

Site visit made on 9 March 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/D3505/W/21/3281737

1 Hall Farm Bungalows Waldingfield Road, Chilton CO10 0PS

- 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 G Rice of New2UHomes Ltd against the decision of Babergh District Council.
 - The application Ref DC/21/03570, dated 23 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is erection of 1no detached dwelling (following demolition of existing single storey detached dwelling).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The site lies within a cluster of buildings that are outside the built-up areas of towns and villages. The existing dwelling on the site is one of three similar buildings along the access road. It is single storey with a shallow pitched roof and a rectangular footprint. As such, given the proximity of the site to the open countryside to the rear, the form, scale and massing of the building give the area a spacious rural feel.
4. The proposed replacement dwelling would have a steep roof pitch that would contain accommodation on the upper floor. The building would also feature gable projections with windows on the upper floor such that it would have a two-storey appearance. In addition, the footprint of the dwelling together with the proposed garage would have a larger footprint than the existing house and structures on the site. As such the greater massing of the building would appear more visually intrusive than the original dwelling, thereby unacceptably diminishing the spacious rural quality of the area.
5. Policy HS05 of the Babergh Local Plan Alteration No 2 (2006) (LP) permits the replacement of dwellings and outbuildings on or very close to the same site subject to a number of criteria.
6. These include that the size and massing of the replacement is not significantly different to those of the original dwelling to be replaced; the new dwelling is of a design which is sympathetic in scale, mass, materials and architectural

details to the character of the surrounding development; and the new dwelling is no more visually intrusive than the original dwelling.

7. Since the size and massing of the replacement would be significantly greater than the original dwelling, and would be more visually intrusive, the proposal would conflict with LP Policy HS05.
8. I acknowledge that there are a number of two storey dwellings in the vicinity of the site and the proposed style and materials would be in keeping with the nearby dwellings. I also note the proposed siting of the dwelling more centrally on the plot than the existing building which may allow more landscaping. However, even if additional landscaping were to partially screen the proposed dwelling, given the proposed height and massing, the proposed dwelling would nonetheless appear more visually intrusive than the original building.
9. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with LP Policy HS05 which resists replacement dwelling outside built up areas that would have a significantly different size and massing to the replacement. It would also conflict with LP Policy CN01 which seeks development of an appropriate scale and form for the location among other things.

Other Matters

10. I note the evidence regarding permitted development rights. However, little detailed information is before in this respect to suggest that there is a realistic prospect of such development being carried out. As such, it has not been demonstrated that the proposal would result in less harm than any permitted development inferred by the Appellant.
11. I note schemes granted planning permission by the Council including at Chilton Grove, Waldegrave Cottages and Wenham Lane. However, there is little detailed information before me to enable a direct comparison to be made with this appeal. In any event, each case must be determined on its individual merits.
12. While I also acknowledge the evidence regarding housing land supply, efficient use of land and the sustainability of the location, given the harm identified above, these matters have not altered my overall decision.

Conclusion

13. For the reasons given above, the proposed development would conflict with the development plan and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR