
Appeal Decision

Site visit made on 4 May 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/D3505/W/21/3278811

Belynna Cottage, Nayland Road, Leavenheath CO6 4PH

- 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 and Mrs Brennan against the decision of Babergh District Council.
 - The application Ref DC/21/02146, dated 09 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is described on the application form as 'Erection of detached dwelling and formation of new vehicular access (existing dwelling to be demolished and existing access to be stopped up)'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have sought to address the Council's second reason for refusal through an updated ecology report, including bat survey results. The Council has reviewed this information and concluded that the issues raised in the second reason for refusal could now be addressed through a planning condition. I have therefore dealt with the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site is located on Nayland Road which is in close proximity to the village of Leavenheath to the south-west. At present, a small single storey dwelling and various single storey outbuildings are located within the relatively spacious appeal site. The site is fairly well screened by mature tree planting along the boundaries, but views into the site are possible from the highway over the existing site access.
5. The prevailing character of development along Nayland Road involves relatively small-scale dwellings set within spacious plots. There are some larger dwellings but these are located closer to the village than the appeal site, reflecting the gradual transition to the more built-up character of the village. Most of these properties are largely screened by boundary planting, which creates a fairly verdant character.

6. The proposed development involves the demolition of the existing bungalow and replacement with a much larger dwelling and detached garage. The architectural style of the proposed dwelling, which would have a Georgian appearance, would not be out of keeping with the varied architectural styles of neighbouring properties, some of which also have a similar Georgian style.
7. However, the proposed dwelling is of a particularly dominant scale which is far in excess of the existing dwelling or the neighbouring dwelling directly to the south of the appeal site. These are some of the first properties which are visible on approach from the countryside towards the village and as such, they play a key role in providing a gradual transition to the more built-up area comprised within the village to the south west. The proposed development would be completely at odds with this transitional character. By way of illustration, the proposed garage alone is of a similar scale to the existing bungalow.
8. The appellants' evidence focuses on each individual aspect of the Council's reasons for refusal. However, it is the scale of the proposed dwelling in combination with the other urban features such as the detached garage, existing outbuildings, proposed forecourt and parking and turning areas which would be harmful to the existing spacious and transitional character of the site. The appellants assert that the existing dwelling includes permitted development rights but there is no doubt that the proposed development would be materially more harmful than anything possible under permitted development rights.
9. The site is currently fairly well visually screened and the appellants propose to supplement the existing planting. However, given the excessive scale of the proposed dwelling, the harmful impact on the character of the surrounding area would be visible across the proposed access and most likely when travelling along the highway from the north.
10. In addition, the relocation of the new access would involve the removal of part of a mature hedgerow which currently screens much of the existing bungalow from the street scene. This would mean that for a temporary period there would be a wide area of frontage with very limited visual screening. Whilst I recognise that planting is proposed in the location of the existing access, given the excessive scale of the proposed development, it would likely take a protracted period of time for new planting to effectively screen the proposed dwelling. This would further exacerbate the visual harm which would occur.
11. The appellants have suggested that properties to the south of the site have a large amount of built form in comparison to the overall plot. However, these plots are typically smaller than the appeal site. Therefore, such a comparison is of little use when considering the impact of the proposed development.
12. The appellants have referred to other planning permissions granted within the district where they suggest the Council has approved replacement dwellings which were much larger than the original dwelling. However, the precise site-specific circumstances of these cases (including the approved plans) are not before me. As such, this is not a consideration which alters my conclusions. In any instance, every case should be treated on its own merits.
13. The proposed development would therefore be harmful to the character and appearance of the appeal site and surrounding area and it would conflict with

Core Strategy¹ Policy CS11 and Saved Local Plan² Policy CN01 which require, amongst other things, that development is well designed and of an appropriate scale.

14. Given the excessive scale of the development in comparison to the existing bungalow, the proposal would also conflict with Saved Local Plan Policy HS05 which requires that the size and massing of the replacement dwelling is not significantly different to that being replaced. The appellants suggest that the Council has taken a flexible approach to this policy in the past. However, even if I were to take a flexible approach to the disproportionate increase in size, the proposed development would still conflict with the second part of this policy which requires more generally that the scale of development is in keeping with surrounding development.
15. Emerging Local Plan³ Policy LP04 similarly requires that the replacement dwelling is no more visually intrusive than that which it would replace. For the same reasons the development would conflict with this policy. However, it can be afforded very little weight given the early status of the emerging Local Plan in the plan-making process.
16. There would also be a conflict with Framework Paragraph 130, which states in part that development should be sympathetic to local character.

Other Matters

17. I have taken into account the support from the Parish Council, Ward Councillor and neighbouring resident and I accept that there would be some benefits in upgrading to a better quality and more energy efficient dwelling. Indeed, the principle of replacing the existing property with a larger property might not alone have been contrary to the prevailing character. However, as noted above, it is the combination of a range of factors (the overall extent and scale of built form) in this case which tips the balance against the grant of planning permission.

Conclusion

18. The proposed development would conflict with the development plan taken as a whole and there are no material considerations (of sufficient weight) which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR

¹ Babergh Local Plan 2011-2031 – Core Strategy & Policies (Part 1 of New Babergh Local Plan), February 2014

² Babergh Local Plan (2006)

³ Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document