



Appeal Decision

Site visit made on 27 May 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 13TH June 2022

Appeal Ref: APP/X3540/W/21/3284215

Former garden to rear of Fauconberg House, Ballygate, Beccles, NR34 9ND

- 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 H J & W A Leah against the decision of East Suffolk Council.
 - The application Ref. DC/21/0506/FUL dated 1 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is the construction of a three storey dwelling and garage with new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect on the character and appearance of the conservation area and on the streetscene, having regard to form, scale, height, design and materials; ii) the effect on the living conditions of the neighbouring occupier; and iii) the adequacy of the vehicular access and parking provision.

Reasons

The site and surroundings

3. The site fronts onto Puddingmoor, and is steeply sloping down to the road, which at this point is a narrow lane leading to the countryside. It appears to have been previously garden land associated with the house at the rear, and has recently been cleared of trees. It is within the Beccles Conservation Area. Opposite the site is the locally listed Puddingmoor Place (noted on plans as Puddingmoor Cottage). Beyond this is an area of open countryside leading to the River Waveney, which is part of the Norfolk Broads system of waterways. In the vicinity of the site, to the south-west, Puddingmoor has a very rural feel, with open fields towards the river, and considerable enclosure provided by roadside hedges and trees. There are a number of mainly modern houses that front the road to the south-west, on the appeal site side. A little distance to the north-east, Puddingmoor becomes more urbanised.

The effect on the character and appearance of the conservation area and on the streetscene.

4. The starting point in considering this appeal is the development plan, which for this case is Waveney Local Plan adopted in March 2019. The case comes to be

considered under policies WLP8.29 – Design, WLP8.33 – Residential Gardens and Urban Infilling, WLP8.34 – Biodiversity and Geodiversity, WLP8.37 – Historic Environment, WLP8.39 – Conservation Areas, and WLP8.40 – Archaeology.

5. Of these, I have taken particular note of policies WLP8.29, Design, and WLP8.39, Conservation Areas, that are the most relevant. In addition, the Beccles Conservation Area appraisal of 2014 is referred to in the officer's report, and section 16 of the National Planning Policy Framework (the Framework), Conserving and enhancing the historic environment, are germane.
6. The proposed house is of 3 storeys, with the 'basement' garaging set fairly close to the frontage. Because of the steepness and height of the land into which the proposed house would be built, although the upper floors would be set back from the forward projecting 'basement', I consider that the proposal would appear dominant in the streetscene and harmful to the setting of the locally listed Puddingmoor Place. The imposing position is not matched by the design, which is neither modern nor reflective of the quality of the buildings that are typical of the conservation area. Its overall form, fenestration and the proposed vertical larch/cedar boarding is not sympathetic to its location. It cannot be said to be a strongly innovative design. The loss of the open site would also be harmful, bearing in mind that such open spaces are a feature of the area, although this might be justified by a building of truly high quality design.
7. There is particular concern about the old wall that stands back just over a metre from the Puddingmoor carriageway, which is typical of the walls to the individual properties along this side of the road. The appeal site wall is for the most part entirely hidden behind vigorous ivy, so that currently very little is visible. In fact, the small part of the wall that is not covered, at the south-western end of the site, that mentioned in the officer's report, shows signs of having been partly rebuilt, although this does not detract from its appearance.
8. It is also the case that there are a number of openings in this wall to allow access to the various properties, including a recently formed large opening a little to the north-east of the site. Work on this was in progress at the time of my visit which demonstrated that these walls are capable of being altered and partially rebuilt without being at odds with the very pleasant character of this part of Puddingmoor, or harming the character of the wall or streetscene. However, the integrity of the present wall should not be harmed other than in circumstances where it is necessary to facilitate a development, the design of which preserves or enhances the character or appearance of the conservation area.
9. For the reasons that I have set out in paragraph 6 to 8 above, I conclude that there would be a harmful effect on the character and appearance of the conservation area and on the streetscene; the proposal would not preserve or enhance the character or appearance of the conservation area and would represent 'less than substantial harm' to it as a heritage asset.

The effect on the living conditions of the neighbouring occupier

10. Policies WLP8.29 and WLP8.33 seek to protect neighbour amenity. I took particular note of the relationship of the proposed dwelling to the next door frontage property, the bungalow at No.29 Puddingmoor. There is no reason to

think that the integrity of the foundations and retaining walls of the appeal proposal would be inadequate to protect this bungalow and its own retaining walls from damage. Furthermore, the separation of the proposed house from the bungalow, and the trees and other vegetation on the common boundary, mean that there would be no material impact on its amenity or loss of light, outlook or sense of overbearing, and certainly not to its neighbours further west. Therefore this is not an issue that stands against the proposal

The adequacy of the vehicular access and parking provision.

11. The highway authority notes that a visibly splay of 59m in both directions by 2.4m should be achievable, but that the current access proposed does not accord with the authority's standard drawing, and is therefore unacceptable. From the information on the submitted drawing No.2897.04 and what I saw at my site visit, I am not convinced that adequate sight splays could be achieved, particularly to the west. The authority adds that the splays could be reduced if measured speeds show evidence that vehicles are travelling below the speed limit. No such evidence has been provided, although it appears to me that it is quite likely that vehicle speeds are low. Nevertheless, this is a narrow lane and the safety of road users, including pedestrians, is clearly of great importance. I am not convinced that a safe arrangement for the ingress/egress for motor vehicles generated by a 4 bedroom dwelling could be achieved.

Conclusions

12. In my reasoning above I have concluded that the appeal proposal would have a harmful effect on the character and appearance of the conservation area and on the streetscene. The proposal would not preserve or enhance the character or appearance of the conservation area and would represent 'less than substantial harm' to it as a heritage asset. In addition it has not been shown that the necessary safe arrangement for the ingress/egress for motor vehicles for the proposed dwelling could be achieved. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR