



Appeal Decision

Site visit made on 4 August 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/W3520/W/21/3282032

The Beeches, Straight Road, Battisford IP14 2LZ

- 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 Brian Cross against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/00002, dated 31 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is described as 'proposed new dwelling in the grounds of The Beeches, Straight Road, Battisford.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have based my decision on the revised Framework and I am satisfied that both main parties have had the opportunity to comment on it.
3. Since the application was refused, the Council considers that it can now demonstrate a 5-year housing land supply. The appellant has had the opportunity to comment on this during the appeal process.
4. The Council's decision notice refers to saved Policy H14 of the Mid Suffolk Local Plan 1998 (MSLP). However, it is clear that this relates to the development of 10 or more dwellings. Given that the appeal proposal is for a single dwelling saved Policy H14 is not relevant to the determination of the appeal.

Main Issues

5. The main issues in this appeal are the effects of the development proposed on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers with particular regard to outlook and daylight.

Reasons

Character and Appearance

6. The appeal site currently forms part of the garden of a two-storey detached dwelling and is within the settlement boundary. Straight Road is characterised by substantial sized dwellings with wide front elevations, both single and two-storey, set within large plots with significant space in between each property.

7. Properties on the northern side of Straight Road are set back from the road along a consistent, albeit slightly curved, building line. Whilst most dwellings are individual in style there is a significant degree of consistency to the area given wide front elevations, gaps between properties and generous garden areas. These features create a spacious feel and verdant appearance which contributes to the pleasant character and uniformity of the area.
8. The proposed building would be a one-and-a-half-storey dwelling with a rectangular shape. It would be positioned in the plot with its front elevation generally consistent with the building lines of The Beeches and Mayfield on either side. However, given the plot position and design of the dwelling, it would result in a small-scale front elevation, which would be at odds with the prevailing design and appearance of nearby properties which tend to have wider frontages set in more spacious plots.
9. As a result, the proposed dwelling would appear overly cramped in between The Beeches and Mayfield. This would be at odds with the design of existing dwellings in the area and the spacious arrangement that is a positive characteristic of this part of the street. Furthermore, the introduction of a shorter narrower front garden and driveway would exacerbate the poor appearance and design of the dwelling and its cramped setting.
10. The appellant has submitted pictures to illustrate nearby housing which has a similar spatial gap to that proposed as part of the appeal. I have not been provided with precise details of these developments. Nevertheless, from the pictures provided, these properties tend to have a larger front-facing elevation and occupy a wider plot, to the front at least. In this regard, the examples are materially different to the appeal proposal.
11. For these reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area. It would be contrary to saved MSLP Policies GP1, H13, and H15 which together seek, amongst other matters, to ensure that new development maintains or enhances the character of its surroundings and maintains local distinctiveness. The proposal would also conflict with the provisions of paragraph 130 of the Framework, which seeks to ensure that development is sympathetic to local character.

Living conditions

12. I acknowledge that properties in the immediate area tend to be arranged along a common building line. However, rear elevations of properties have a more staggered approach due to the design of the houses. Although some have been extended or altered over time, I saw that generally, this is relatively limited. Whilst there is no common rear building line, on account of the relatively good-sized rear gardens, there are comparatively good levels of outlook and natural light.
13. The proposed dwelling would be in very close proximity to the side elevation of The Beeches. There are four existing openings to this flank wall, two at ground and two at second floor level. From observations on site, the windows on this elevation appeared secondary to the rooms they serve and the ground floor windows had some form of obscure film already fitted.
14. Nevertheless, the fact these windows are secondary and obscure at ground floor level, does not overcome the oppressive nature of the proposed dwelling

due to it being in close proximity to this property. Therefore, the appeal building's height and the close relationship with The Beeches, the introduction of the appeal building would result in a sense of enclosure, to these windows, which would have a harmful effect on the outlook of the occupiers of this property. I, therefore, find that the proposal would result in harm to the living conditions of the occupiers of The Beeches with regard to outlook.

15. Mayfield, the neighbouring property to the east of the site would have a larger gap to the flank wall of the appeal building than The Beeches. The retention of the existing hedge would prevent any overlooking at ground floor level and the first-floor window serves a bathroom and this would prevent any significant loss of privacy to the occupiers of Mayfield.
16. The rectangular-shaped footprint of the proposal would result in its projection past the rear elevation of Mayfield. However, given the small-scale of the projection and distance from the adjoining boundary, it would not appear overbearing to occupiers of Mayfield and its garden areas.
17. The appellant has provided a Daylight and Sunlight Assessment (DSA) to show adequate daylight would be provided to both The Beeches and Mayfield. I saw on site that at the distances shown on the plan there would be adequate daylight to these properties throughout the year. Consequently, the proposal would not have a harmful effect on nearby occupiers of Mayfield through loss of daylight or harm to outlook; however, this would be a neutral factor in my decision.
18. I conclude that the proposal would unacceptably harm the living conditions of the occupiers of The Beeches with regard to outlook. Thus, it would conflict with MSLP policies H13 and H16 which require, amongst other things, that new development does not unduly affect neighbouring residents.

Other Matters

19. A previously dismissed appeal¹ at the site is noted in the appellant's statement and commented on in the Council's statement. I have been provided limited details. Nevertheless, from those provided I could see a single dwelling was proposed as is the case with this appeal. The proposed dwelling no longer has a significant forward projection within the plot and has a more simplified rectangular design with a singular roof pitch and reduced width. However, the proposal would still result in the loss of the characteristic gap between properties and look cramped in its plot; and that the harm to living conditions to The Beeches has not been overcome. As it can be seen from my reasoning on the main issues; the concerns of the previous Inspector have not been overcome.

Planning Balance

20. The Council considers that it can now demonstrate a 5-year supply of housing and the appellant has not provided any evidence to the contrary. Furthermore, I have not been provided with any evidence to demonstrate there are not enough serviced plots of land to meet the demand for self-build and custom housebuilding in the Council's control.

¹ Reference APP/W3520/W/19/3235525

21. The proposal would enable the delivery of an additional dwelling in an established residential area, and there would be social and economic benefits associated with employment during construction and as future occupants would buoy up the local economy. Nonetheless, the benefits of a new dwelling, even if it was a self-build, be confined to an incremental numerical addition, and other benefits similarly limited given the scale of the scheme. Specific details on the use of sustainable lower energy materials have not been supplied. Whilst I acknowledge that the proposal would result in certain benefits, these would be limited given the small scale of the development. Consequently, even if there were a shortfall in the supply of housing land, as suggested by the appellant, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

22. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, sufficient to outweigh the identified harm and associated development plan conflict. The appeal should therefore be dismissed.

A Hickey

INSPECTOR