

Appeal Decision

Site visit made on 17 November 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/X3540/W/22/3300220

4 Nightingale Piece, Orford, Suffolk IP12 2NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Carl and Susanna Callaghan against the decision of East Suffolk Council.
 - The application Ref DC/22/0983/OUT, dated 10 March 2022, was refused by notice dated 6 May 2022.
 - The development proposed is new self-contained, 2-bedroom eco dwelling on side garden 4 Nightingale Piece.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is for outline planning permission with all matters reserved for subsequent consideration. Consequently, I have treated submitted drawings showing the layout and appearance of the proposed dwelling as being for illustrative purposes only.
3. The current proposal follows a similar one that was refused permission¹. While the current proposal is intended to respond to the reason for refusal of the previous scheme, I have considered the proposal before me on its individual merits.

Main Issue

4. The main issue is the effect of the proposed dwelling on the character and appearance of the appeal site and the surrounding area.

Reasons

5. The appeal site is the side garden of No 4, a semi-detached bungalow located in a residential cul-de-sac comprising pairs of bungalows and two storey dwellings. The wider area is predominantly residential in character. The site is located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

¹ Ref DC/21/2011/OUT.

6. Policy SCLP11.1 of the East Suffolk (Suffolk Coastal) Local Plan (2020), concerning design quality, says that development proposals will be permitted where they respond to local context and the form of surrounding buildings in relation to a number of criteria. These include that the overall scale and character should clearly demonstrate consideration of the development as a whole in relation to its surroundings. Policy SCLP5.1 of the Local Plan says that residential development will be permitted within defined settlement boundaries where it is development of a scale appropriate to the size, location and character of the village. As such, both these policies are relevant to this outline proposal as they relate to the effects of development on local character and surroundings.
7. Nightingale Piece includes eight dwellings laid out in a uniform circular pattern around the road and turning head. The two pairs of two storey dwellings are positioned at the furthest end of the cul-de-sac with paired bungalows next to these. Nos 3 and 4 on opposite sides of the road have relatively large areas of open land to their sides. In the case of No 4 this comprises the side garden, delineated by a boundary hedge, and an area of open land beyond this next to the access road that runs behind the bungalows to the north-east.
8. I acknowledge as the appellants contend that this is an outline application with all matters reserved and, therefore, the detailed design and appearance of the dwelling are for later consideration. Nonetheless, it is possible and appropriate to assess the effects that a single dwelling as applied for would have in this location. In this regard, due to the size of the side garden area, accommodating the proposed two bedroom dwelling with a broadly similar frontage width and footprint to No 4, would require development to extend close to the side boundary. This reduction in the characteristic openness to the side of the dwelling would be readily apparent despite the new dwelling being contained within the existing curtilage behind the hedge. In particular, it would undermine the planned layout of the cul-de-sac where the space to the side of Nos 3 and 4 on opposite sides of the road mirror each other, providing an open and spacious character at the entrance to the cul-de-sac.
9. In addition, due to the proximity of the new dwelling to the boundary, the proposal would appear as a cramped form of overdevelopment compared to the more spacious planned layout. Furthermore, the creation of a short terrace of three dwellings would not respond to the local context and the form of surrounding buildings, where there is a clear pattern of paired semi-detached dwellings and bungalows.
10. The Council raises concerns with regard to the design of the dwelling and the potential effects of parking arrangements. However, despite the contention that a two bedroom dwelling is likely to be similar in form to the illustrative plans, these concerns relate principally to the reserved matters and, therefore, I have not addressed them further. Nonetheless, for the reasons given, the proposal for a new dwelling in this location would result in an incongruous and uncharacteristic form of development that would harmfully affect the planned uniform character and appearance of the area.
11. The cul-de-sac is a visually self-contained developed area and while the proposed dwelling would not readily be seen from the junction with Ferry Road, its harmful effects would be apparent from the public realm and neighbouring

dwelling within Nightingale Piece. For the same reason, I give limited weight to the argument that the wider context of the Town Farm Estate, the historic part of the village or other development within East Suffolk should provide precedents for the proposal as these are not part of the same street scene. While a gap would be maintained with properties on Ferry Road this does not have a direct bearing on the effects of the development within the planned layout of Nightingale Piece; nor does the fact that the cul-de-sac is not part of the nearby conservation area. Any reduction in on-street parking resulting from the proposal or additional landscaping would not outweigh the harmful effects of the new dwelling in this location.

12. Given its limited size in comparison to a new dwelling, I give little weight to the side extension to No 7 Nightingale Piece as a precedent for the effects of the proposal in this case. Similarly, extensions, outbuildings or boundary fencing that might be erected within the appeal site are unlikely to have the same effects as a single dwelling. Moreover, conjecture about development that may or may not occur in the future on the appeal site or more widely cannot have a direct bearing on the appeal proposal, which I must consider on the basis of current circumstances.
13. I have had regard to the contention that the dwelling would be built to high environmental standards, which will have considerable benefits, and that it would increase the supply of smaller dwellings in a sustainable location in accordance with the policy objectives of the development plan. I also note the argument that it would make efficient use of under-used garden land and would therefore meet an objective in the National Planning Policy Framework (the Framework). However, the Framework also requires that planning policies and decisions should ensure that developments are sympathetic to local character, including the surrounding built environment². The development plan policies referred to above are consistent with this. It has been found above that the proposal is in conflict with this requirement and, as such, the matters raised do not overcome this conflict.
14. Accordingly, for the reasons given above, I conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the appeal site and the surrounding area. As such, it is contrary to Policies SCLP11.1 and SCLP5.1 of the East Suffolk (Suffolk Coastal) Local Plan and to the Framework, as described above. Policy SCLP5.7 of the Local Plan is less directly relevant to this proposal for outline permission as it addresses more detailed matters concerning design and appearance.

Other Matters

15. I have had regard to the representations made by interested parties. However, there are no additional matters raised that would lead me to reach a different overall conclusion, or the matters raised are more appropriately considered under the reserved matters.

² Paragraph 130c).

Conclusion

16. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR