



Appeal Decision

Site visit made on 24 January 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/X3540/W/22/3306433

5 Buckingham Close, Martlesham, Suffolk IP12 4SX

- 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 R Copland against the decision of East Suffolk Council.
 - The application Ref DC/22/1500/FUL, dated 13 April 2022, was refused by notice dated 6 September 2022.
 - The development proposed is site for the erection of a detached single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal on the character and appearance of the site and the surrounding area, and on European Protected Sites.

Reasons

Character and appearance

3. The appeal site lies on a short cul-de-sac within an established residential area, predominantly of single storey dwellings of varying design set back off the street behind moderately sized gardens. The area is predominated by detached dwellings and 5 Buckingham Close (No 5) is exceptional to this in as much as it is a semi-detached dwelling. Gardens fronting onto Buckingham Close accommodate car parking on areas of hardstanding and this is a common feature in the wider area.
4. The detached properties within Buckingham Close are set back a similar distance within their plots, with a visual separation between the dwellings.
5. By contrast, during my site visit I observed that the other dwelling in the semi-detached pair (6 Buckingham Close – No6) has a large addition extending to the rear and side of the dwelling, and this acts visually to reduce the gap with its other neighbour.
6. The proposed dwelling would be set back in its plot, behind the rear façade of No 5 and would extend built form towards the boundary with its detached neighbour. In so doing it would reduce the gap between the two.
7. This notwithstanding, the proposal would not, when viewed from within Buckingham Close, be prominent on the street scene nor would its effect be

dissimilar from that created by the large extension built to the rear of its conjoined neighbour, which extends a similar distance to its side boundary. Indeed, the proposal would leave a larger visual gap between the dwellings themselves than between No 6 and its detached neighbour.

8. Elsewhere in the wider area there are examples where front gardens have been paved over to allow for parking and manoeuvring. During my site visit I observed little on-street parking and this is not a prevalent feature of the area.
9. The subdivision of the plot would result in parking demand for two dwellings. Parking provision, which accords with the local authority parking standards, would be made for each within the front gardens of the sub-divided plot. Whilst almost the entirety of the front gardens would be given up for parking or manoeuvring of vehicles, this is not an uncommon feature in the area and would not appear overly dominant in the site's context.
10. During my site visit I observed a number of cars parked on-street. Whilst any additional demand for parking, beyond that provided within the site, would be likely to appear on-street, given the occasional cars parked within the public realm, the demand from one additional property would be unlikely to appear out of place or overly dominant in the street scene.
11. I therefore find that the proposal would not have an adverse effect on the character and appearance of the site or surrounding area. The proposal therefore accords with policies SCLP5.7 and SCLP11.1 of the East Suffolk Council Suffolk Coastal Local Plan (2020) – the Local Plan, and MAR4 of the Martlesham Neighbourhood Plan (2018) in as much as these jointly seek to ensure that, amongst other things, development, including infill and garden development, will not result in harm to the street scene or wider area and complements local character and distinctiveness.

European sites

12. The site is located within the zone of influence of the Deben Estuary Special Protection Area (SPA)/Ramsar, the Stour and Orwell Estuaries SPA/Ramsar and Sandlings SPA (the Protected Sites), which are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). Policy SCLP10.1 of the Local Plan seeks to protect such sites from harm and, where necessary, seek mitigation against any adverse effect of development. Within the Local Plan the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk Coast RAMS) for the coastal SPAs and Ramsar sites incorporates strategic mitigation measures to be delivered to avoid adverse impacts.
13. The Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the framework of an Appropriate Assessment (AA) rather than at the screening stage¹. This responsibility now falls to me within this appeal. Such an assessment is necessary regardless of the status of the policies of the development plan.
14. Paragraph 180 of the National Planning Policy Framework (2021) - the Framework - states, with regard to habitats sites, that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating

¹ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused". The Protected Sites are used for public recreation and therefore the proposed development is likely to generate an increased recreational use and thus, in combination with other development, have a significant effect on the features of interest of the Protected Sites.

15. Although I note the willingness of the appellant to provide the Suffolk Coast RAMS payment, a financial contribution towards mitigating the effects of the proposal on the Protected Sites, I have no evidence before me to demonstrate that such a payment has been made.
16. I am, therefore, unable to complete the AA favourably and, as such, I must conclude that, following Appropriate Assessment, the proposal would cause harm to the Protected Sites. Therefore, the scheme would conflict with Policy SCLP10.1 of the Local Plan. Similarly, it would conflict with those parts of the Framework that seek to protect the natural environment.

Conclusion

17. Although I have found that the proposal would not have an adverse effect on the character or appearance of the site and surrounding area, I have found that the development would cause unacceptable harm to the Protected Sites.
18. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR