



Appeal Decision

Site visit made on 5 April 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/D3505/W/22/3309141

Land at rear of Nereholme, Capel St Mary, Ipswich IP9 2FL

- 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 M Walton against the decision of Babergh District Council.
 - The application Ref DC/22/02073, dated 20 April 2022, was refused by notice dated 12 August 2022.
 - The proposed development is severance of part of rear garden and erection of 1 no. bungalow with garage, including vehicular access to Boundary Oaks.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact on (a) the character and appearance of the area and (b) the parking and turning provision in Boundary Oaks.

Reasons

3. The appeal site lies on the eastern edge of the village and comprises the central part of the substantial, long narrow garden of Nereholme, a modest sized bungalow located at the south-eastern end of the plot fronting London Road. An area of hardstanding at the front of the bungalow provides parking and turning.
4. There are a number of similar sized and shaped residential plots which front London Road to the north-east. To the south are two further properties of similar age and appearance but which are located within significantly smaller sized plots. To the rear of these is a denser, modern development of bungalows and houses accessed via a new road off London Road, comprising the cul-de-sac known as Boundary Oaks. There are five properties located at the far northern end of the cul-de-sac which have a common boundary with the long rear garden of Nereholme.
5. The Council's decision notice cites only Policy HS28 of the The Babergh Local Plan Alteration no. 2 (2006) (LP) though I have also been referred to Policies CS2 and CS15 of the Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) (CS). The LP identifies built-up area boundaries of the villages and the Council confirms that whilst the existing dwelling and part of its rear garden lie within it, the remainder, including the appeal site, is outside and classed as countryside. Capel St Mary is identified in CS Policy CS2 as one of the core villages which act as a focus for development within their functional cluster. In the countryside outside the core village development will only be permitted in

exceptional circumstances subject to proven justifiable need. However, the Council acknowledges that given the recent development of Boundary Oaks and further development underway to the north, the development should be considered as infill site, albeit outside the settlement limits. On this basis it seems to me that the principle of a new dwelling in this location is not at issue.

Character and appearance

6. CS15 states that development must respect the local context and character of the different parts of the district and should, amongst other things, respect streetscape / townscape and make a positive contribution to the local character, shape and scale of the area. LP Policy HS28 relates specifically to infill sites and resists development that would represent overdevelopment to the detriment of the character of the locality or highway safety or where it would be of a scale, density or form which would be out of keeping with adjacent and nearby dwellings or other buildings. I have also been referred to LP policy CN01 which seeks to ensure that development proposals maintain local distinctiveness through, amongst other things, paying attention to the scale, form and nature of adjacent development and the surrounding environment.
7. The immediate environment of the appeal site is of mixed character with the low density development of the current property at Nereholme and adjoining plots to the north-east providing a more open character and the much higher density modern development in Boundary Oaks immediately adjoining to the south-west being noticeably more 'built-up' albeit of pleasant layout and appearance. The differences in character between the two types of development are readily apparent emphasised by the clear delineation between the two provided by the boundary of Nereholme.
8. I agree with the Appellant that the proposed new bungalow would be sympathetic in design and appearance to the modern development in Boundary Oaks and would have a similar relationship to existing dwellings. However, I consider that it would appear as an incongruous form of development in terms of its siting and layout and would fail to reflect the 'holistic' form and layout of Boundary Oaks which was clearly developed as a comprehensive and well laid out cul-de-sac. Furthermore, it would constitute a piecemeal and inefficient form of development particularly given that there would remain an area of garden that would be unrelated to either the proposed or existing dwelling.
9. As such it would fail to accord with LP Policy HS28. I also find conflict with Policies CS15 and CN01 as noted above. Furthermore, it would fail to accord with the National Planning Policy Framework (the Framework) as it would not achieve an effective and efficient use of land whilst at the same time safeguarding the character of the area. Nor would it represent good design through development that functions well, that adds to the overall quality of the area, sympathetic to local character.
10. The Appellant has referred to a recent appeal decision for a development in Rushmere St Andrew but it appears to have a different site context in terms of the form of surrounding development and is not comparable to this appeal site.

Parking and turning provision

11. The Council has provided details of LP Policy TP15 though I note that it is not cited in the decision notice. It seeks to ensure that on-street parking does not create a highway safety problem and therefore in addition to LP Policy HS28 seems to me to be relevant to this issue.
12. The appeal proposal would result in the loss of two visitor parking spaces which currently are available on the land to the front of No. 21 Boundary Oaks and which would provide access to the proposed new dwelling. I saw on my site visit that there was also a small lay-by providing a further space.
13. The Appellant has provided an assessment of the overall number of parking spaces that are required for the Boundary Oaks development as a whole, both in respect of allocated and visitor parking, to satisfy the Council's standards. However, it is unclear whether the overall number of visitor spaces remaining would still satisfy these standards. The loss of two visitor parking spaces could therefore result in parking on the relatively narrow shared roadways in this part of the cul-de-sac which in turn could result in inconvenience and possibly highway danger to other road users, including residents and visitors to the properties.
14. Overall, I am not convinced that an adequate level of visitor parking would be retained so as to ensure that all properties can be safely and conveniently accessed by both vehicles and pedestrians. As such I find that there would be conflict with LP Policies HS28 and TP15.

Conclusions

15. I note that the proposed dwelling would contribute in a small way to the local housing supply in a location that is accessible to local services and facilities and would therefore support economic and social sustainability objectives. However, these limited benefits do not outweigh the harms identified above. Overall, I find that the proposal would conflict with the development plan and there are no other material considerations that indicate a decision other than in accordance with it.
16. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR