



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: 11th May 2023

Appeal Ref: APP/D3505/W/22/3303772

13 Meadows Way, Hadleigh, Ipswich IP7 5DX

- 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 S De Lara Bell against the decision of Babergh District Council.
 - The application Ref DC/22/01152, dated 1 March 2022, was refused by notice dated 12 May 2022.
 - The proposed development is the erection of a mixed use building comprising Class E(shop) to ground floor and Class C3 (residential) at first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact on (a) character and appearance of the area including the Hadleigh Conservation Area and setting of nearby listed buildings and (b) living conditions of the occupiers of nearby residential properties.

Reasons

3. The appeal site is located to the rear of 112 High Street between that property and 13 Meadows Way to the rear (east). It comprises part a parking area located between the mainly commercial properties fronting the High Street and predominantly residential properties located in Meadows Way. The site is accessed via a covered way between Nos. 112 and 114 High Street with footway connection to Meadows Way. Number 112 is a modern two-storey building comprising shops with accommodation above with pedestrian access to the rear. The parking area is mainly enclosed by brick walls which mark the rear boundaries of the surrounding properties. There are some garages serving the properties in Meadow Way which front onto its south-east corner.
4. The appeal site and its wider environs lie towards the northern edge of the Hadleigh Conservation Area. Whilst the wider conservation area is focussed on the historic core of the High Street, it includes areas along connecting streets either side including the recent modern development on Meadows Way to the rear (east) of the appeal site. This development consists predominantly of modest terraced dwellings.
5. A number of the properties nearby which front the High Street are Grade II listed, including Nos. 106, 114, 116 and 120-122 though Nos. 108-110 just to the south are Grade II*. Most are two-storey and of 17th Century origin though number 116 is of a grander three storey scale retaining what appeared

to be the original rear elevation, at least above ground floor level which was visible from the appeal site. No. 114 adjoins the appeal site whereas Nos. 108-110 have a common rear boundary with the parking area that will remain to the rear of the appeal site; the other listed buildings are further removed but their upper rear elevations are visible from the appeal site.

6. The proposed building would form an extension to the dwelling that has been recently granted permission as an extension to 13 Meadows Way.¹ The building would incorporate an archway to enable vehicular access through from the existing High Street access to the retained rear parking area.
7. The appeal site lies within a town centre location. Whilst located to the rear of the High Street properties, it is not an entirely residential area as there is a dentist surgery and what appeared to be a vacant shop unit in the adjoining units to the rear (east) of the site. There is an existing level of vehicular and pedestrian activity associated with the parking area and pedestrian link which I observed at the time of my site visit.
8. Thus, I would describe the area as being mixed in character, typical of such sites within the town centre, and, in principle, the proposed mixed uses would not be entirely inappropriate in such a location. However, Policy CS16 of the Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) (CS) states that whilst retail and other development will continue to be focused in Hadleigh at an appropriate scale and character for the location they will be assessed for potential impact on the function of the town centre / area, social behaviour and amenities of nearby residents as well as on the vitality and viability of the town and CS Policy CS15 which in seeking to achieve sustainable development requires proposals to have regard to a number of criteria, including the need to respect heritage assets. These impacts are considered below.

Character and appearance

9. The proposed building would be of one and a half storey height, similar to that of the permitted dwelling to which it would be attached but would be greater in length, extending very close to the rear elevation of nos. 112a and b. This would have the beneficial effect of providing an active frontage to the vehicular and pedestrian access from the High Street and would screen the remaining parking area to the rear (south).
10. However, the close juxtaposition with the rear elevation of 112 High Street, introducing a building of greater scale and height in close proximity to the lower rear element of this adjoining building, would appear awkward and incongruous. It would also significantly reduce the separation between the built development of the High Street and the new development to the rear along Meadows Way which characterises this area. In the 2021 appeal decision relating to the land adjacent to 13 Meadows Way², the Inspector noted that good separation with the properties along High Street would be maintained which would not be the case with the current appeal scheme.
11. The appeal site is not readily visible from the High Street with only a glimpse possible through the arch. The impact of the proposal on views from this direction in the context of the attractive front elevations of the surrounding listed buildings and wider conservation area would therefore be very limited

¹ LPA Ref: DC/21/03003

² APP/D3505/W/19/3239230

and could be potentially enhanced by the introduction of an active frontage. I agree with the Appellant that from this direction there would be no material impact on the setting and significance of the heritage assets.

12. However, in views from within the site and in approaches along Meadows Way from the rear (east) the proposed building would obscure views of the rear elevations of nos. 108 and 110, the Grade II* listed buildings which are currently afforded across the parking area. Whilst the existing parking area itself somewhat detracts from the setting of these buildings, the upper parts of the rear elevations provide interest and an appreciation of the significance of these buildings in this approach. A longer view towards the rear of properties to the south is also afforded. Whilst these may be the less interesting elevations, this view nevertheless enables an appreciation of the historic character of the conservation area.
13. With regard to the setting of the Grade II* buildings, whilst I was unable to view the appeal site from the rear gardens, it seems likely that the upper part of the proposed building would be visible and would have the effect of enclosing the open view, to the detriment of the setting of these buildings. Views to the north from the public footway would be unaffected by the proposed building which would be sited away from their curtilages. Having regard to this and the relative location of the proposed building, I consider that the settings of Nos. 114, 116, 120 and 122 would be preserved.
14. Overall, for the reasons set out above and notwithstanding the benefits that would arise in respect of providing an interesting, active frontage to the access way, I consider that the proposal would fail to preserve or enhance the character or appearance of the Hadleigh Conservation Area and the setting of the Grade II* listed buildings. The proposal would therefore fail to comply with Policies CN01, CN06, CN08 of the Babergh Local Plan Alteration no. 2 (2006) (LP) and CS Policies CS15 and CS16 which require development to respect local context and character, demonstrate the principles of sustainable development and, amongst other things, the scale and nature of the development should respect streetscape, townscape, and heritage assets including their setting, in addition to protecting or creating jobs and sites to strengthen or diversify the local economy and enhance local services and facilities.
15. With regard to the National Planning Policy Framework (the Framework), I find that the proposal would not contribute to achieving well designed places nor would it be sympathetic to the surrounding built and historic environment. It would result in harm to heritage assets, that harm being less than substantial. Paragraph 199 states that great weight should be given to the asset's conservation, the more important the asset the greater the weight should be, irrespective of the level of harm.
16. Having regard to paragraph 202 of the Framework, these harms should be weighed against the public benefits of the proposal. These include social and economic benefits arising from the proposal including positive impacts on the vitality and viability of the town centre, provision of local employment and contribution to the local supply of small housing units as well as environmental benefits through the optimisation of land and provision of an active frontage to the access. Having regard to the scale of the development I consider that these would amount to benefits of moderate weight. These would be insufficient to outweigh the harms identified.

Living Conditions

17. The Council has raised concerns regarding the proposed use and its potential to cause harm to the living environment of the occupiers of adjoining residential properties mainly through increased footfall, associated noise and disturbance, potential for anti-social behaviour and impacts on privacy and outlook.
18. In respect of the impacts associated with the proposed commercial use, I note that it is specified in the application that it is proposed to be a retail shop and the Appellant has confirmed this. It seems to me that suitable conditions could be imposed to control the use and hours of opening as necessary, as well as any potential for associated noise. The retail unit would be of modest floorspace and, in my view, the likely level of associated vehicular movements would be low and in any event, not materially greater or of a significantly different nature than that associated with the existing parking area.
19. CS policy CN04 seeks to ensure that the design and layout of development provides for public safety and deters vandalism and crime. Whilst the proposal would be likely to increase footfall within the area it is already accessible to the public, providing a link between the High Street and Meadows Way. I do not therefore share the concerns of the Council in this regard and again note that suitable conditions, in particular relating to hours of opening, could minimise any such potential impacts to an acceptable degree.
20. In terms of direct impacts on privacy and outlook, the proposed building would be reasonably well located and designed so as to avoid any direct overlooking or loss of outlook of the properties in Meadow Way and the separation distance and angled relationship with properties to the south would minimise any impacts to an acceptable degree. However, the proposed first floor residential unit would have a number of windows facing towards the properties to the north. As the building would only be set back a relatively small distance from these properties, in particular No. 114, this would result in an unacceptable loss of privacy and, to a lesser degree, result in a feeling of enclosure.
21. Overall, I find that the proposal would have a harmful impact on the living conditions of the occupiers of adjoining properties due to loss of privacy and outlook. It would thus fail to accord with LP Policy CN01 and CS Policies CS15 and CS16 which require development to have regard to the nature of adjacent development and the environment surrounding the site and the amenities of adjoining residents.

Conclusions

22. CS policy CS1 applies the presumption in favour of sustainable development. Overall, I do not consider that the most important policies are out of date and in any event, the application of the heritage policies of the Framework provide a clear reason for refusing the development. Overall, I find conflict with the development plan as a whole. In my view, there are no other material considerations that indicate a decision other than in accordance with the development plan.
23. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR