



Appeal Decision

Site visit made on 2 May 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/W3520/W/22/3308516

Mildmay Lodge, Pound Hill, Bacton, Suffolk IP14 4LP

- 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 Ms Linda Heasley against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/02381, dated 6 May 2022, was refused by notice dated 27 June 2022.
 - The development proposed is erection of detached bungalow and off road parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would result in suitable living conditions for the occupiers of Mildmay Lodge and future occupants of the proposed dwelling with regard to amenity space provision.

Reasons

Character and appearance

3. The appeal site comprises garden area that currently serves the host dwelling. It is located on the corner of Pound Hill and Pine View. The host dwelling is set back in the plot a considerable distance meaning that it is not a dominant feature in the streetscene currently. The host dwelling is orientated towards Pound Hill rather than Pine View. The boundary alongside Pound Hill is made up of a hedgerow, with the roof area of the host dwelling being visible above. The neighbouring bungalow adjacent 'Melbury' fronts onto Pound Hill and is closer to the road than the host dwelling, as are the remainder of the dwellings to the east along the northern side of Pound Hill. Properties in the surrounding area are varied in architectural styles and ages and there are a range of plot sizes.
4. Whilst the built form of the proposed bungalow would not extend significantly beyond the front or rear building lines of the adjacent dwellings along Pound Hill to the east, it would be orientated so that the side elevation would front onto Pound Hill. The orientation of the proposal would be out of keeping with the adjacent dwellings to the east along Pound Hill that it would be seen in context with. The host dwelling is orientated so that the side elevation faces

Pine View. Therefore, the proposed dwelling would not follow the pattern of development formed by the adjacent host dwelling along Pine View in this regard either. The proposal would therefore result in a dominant feature in the streetscene that would be incongruous with the surrounding character and appearance of the area.

5. I noted during my site visit that there are examples within the vicinity of the appeal site where the side elevations of dwellings are orientated to face onto Pound Hill, including dwellings located at the junctions with Prettyman Avenue, Birch Avenue, North Close and St Marys Close. However, in all of these cases the side elevations and the respective plot boundaries that face Pound Hill are set back behind grass verges providing for a feeling of spaciousness around the junction locations. The dwelling referred to by the appellant at the end of the row along Pound Hill at the junction of Broad Road appeared on my site visit to face Pound Hill with the side elevation facing Broad Road, set back behind a grass verge. The appeal site is located at the back edge of the footpath without the same level of separation from Pound Hill and therefore the appeal proposal would be more dominant than in these examples.
6. The proposed bungalow would be in keeping with the general form and design of the host dwelling and separation from all of the plot boundaries would be maintained allowing for space around both the host dwelling and the proposed dwelling. A small area of garden would be retained between the proposed dwelling and Pound Hill. The proposal would not therefore appear bulky or cramped. However, this does not outweigh the harm that I have identified above.
7. I therefore find that the proposal would be harmful to the character and appearance of the area. It is therefore contrary to the requirements of Policies GP1, H3, H13 and H15 of the Mid Suffolk Local Plan Adopted September 1998 (LP). These policies seek, amongst other things, to ensure that developments are consistent with the pattern and form of development in the neighbouring area and maintain or enhance the character and appearance of their surroundings. The proposal would also be contrary to the relevant paragraphs of The National Planning Policy Framework (the Framework).

Living conditions

8. There is limited evidence before me as to why the Council consider that the amount of amenity space provided for the host dwelling and proposed dwelling would be deficient. I am not aware of any guidelines adopted by the Council with regard to the quantitative requirements for garden space. The appellant has provided a landscaping plan that identifies how the external space could be laid out to meet the needs of the existing and future occupiers.
9. Whilst the proposed garden areas would be smaller than some located in the vicinity of the appeal site, both dwellings would be served by a usable external space with private areas that would not be subject to overlooking. I therefore consider that sufficient external space would be provided to serve the future occupants of the proposed dwelling and the existing occupiers of the host dwelling.
10. I therefore find that the living conditions, with particular regard to the provision of amenity space for both existing and future occupiers, would be suitable. The proposal would therefore comply with the requirements of Policy H16 of the LP.

This policy seeks, amongst other things, to protect the existing amenity and character of primarily residential areas. The proposal would also comply with the relevant paragraphs of the Framework.

Other Matters

11. I note that the appellant states that the appeal site is within the settlement boundary of Bacton where the principle of development is established. The Council did not object to the proposal in principle and I have no evidence before me that would lead me to a different view. However, this does not outweigh the harm I have found above.
12. I understand that the proposal would reduce the amount of garden area associated with the host dwelling which would meet the requirements of the appellant in managing a smaller garden as they become older, without having to leave their home. I have had regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. In this case, I find that my decision to dismiss the appeal is a necessary and proportionate approach to the legitimate aim of ensuring good design in the public interest. This outweighs the personal circumstances outlined above.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no material considerations to indicate that this appeal should be determined other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR