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## Appeal Decisions

Site visit made on 18 April 2023

**by A Berry MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 May 2023**

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### **Appeal A Ref: APP/W3520/W/22/3302845**

#### **Edale, Southolt Road, Long Green, Bedfield, Woodbridge, Suffolk IP13 7JE**

- 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 Richard Joy against the decision of Mid Suffolk District Council.
  - The application Ref DC/21/06226, dated 12 November 2021, was refused by notice dated 12 January 2022.
  - The development proposed is described as "severance of side garden and erection of bungalow with attached garage (includes demolition of garage to Edale)".
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### **Appeal B Ref: APP/W3520/W/22/3302848**

#### **Edale, Southolt Road, Long Green, Bedfield, Woodbridge, Suffolk IP13 7JE**

- 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 Richard Joy against the decision of Mid Suffolk District Council.
  - The application Ref DC/22/02024, dated 12 April 2022, was refused by notice dated 23 June 2022.
  - The development proposed is described as "severance of side garden and erection of bungalow with associated parking and external works (includes demolition of garage to Edale)".
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### **Decision**

1. Appeal A and Appeal B are both allowed.

### **Procedural Matters – Appeal A**

2. No development plan policies were referred to in the reason for refusal detailed within the Council's decision notice. However, they were referred to in the reason for refusal for Appeal B. The policies referred to in Appeal B seem relevant to both appeals and therefore I have also considered Appeal A against these policies.
3. The Council raised concern regarding the potential impact the proposed development could have on an existing tree within the appeal site. At the time of my site visit, the tree had been felled and therefore it does not form part of my consideration of this appeal.

### **Main Issues**

4. With reference to Appeal A, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

5. With reference to Appeal B, the main issues are the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of the occupiers of the host dwelling, with particular reference to outlook.

## **Reasons**

### *Character and Appearance – Appeal A and Appeal B*

6. 'Edale' comprises a detached T-shaped bungalow with an attached double garage that fronts onto Southolt Road. The bungalow is set back from the road by a gravelled front garden used for the parking and turning of vehicles. The front and rear gardens are separated by a high wall. Edale is the end bungalow in a row of six bungalows located along this side of the road. Opposite the appeal site are open fields with a playing field beyond, agricultural fields are located to the rear, while allotments are located to the north. The appeal site forms part of Belfield village.
7. The row of bungalows comprises two recently constructed bungalows immediately to the south of the host dwelling that are identical in appearance. The remaining bungalows in the row have a mixed design and appearance, with varying footprints, materials and roof shapes. From my site visit, I noted that the design and appearance of the existing bungalows in the row is not overly apparent when travelling along the road due to their scale, their set back and the presence of boundary hedges and trees.
8. It is proposed to demolish the existing flat roofed attached double garage and adjoining wall, subdivide the existing plot and construct a detached bungalow. The existing access would be amended and would be utilised by both the host dwelling and the proposed dwelling.
9. The front garden of the host dwelling is covered in gravel and is used for the parking and turning of vehicles. Hardstandings, parking and turning areas are a feature of the front gardens of the other bungalows in the row. While the proposals could lead to more vehicles being parked within the front garden of the appeal site, the increase in the number of vehicles would likely be low and therefore would not result in a significant dominance of vehicles at the front of the properties that would be out-of-character with the surrounding area.
10. The proposed plot and the resulting plot for the host dwelling would be similar in size and would be comparable to the two recently constructed bungalows to the south of the host dwelling, as well as the two bungalows further south. The rear gardens of the proposed bungalows and the host dwelling would also be a similar size. The Council has not objected to the size of the private amenity space of either appeal proposal and, while they raise a concern regarding the manoeuvrability of vehicles to the front, the Highways Authority has not objected in this regard. Consequently, the proposed development would not result in the overdevelopment of the plot.
11. The appeal site is located within a Visually Important Open Space (VIOS). However, I have not been directed to a policy that deals with such a designation. Furthermore, the Draft Joint Local Plan (DJLP) proposes to delete the area of VIOS within which the appeal site is located, although the DJLP is at an early stage and therefore attracts limited weight. Saved Policy GP1 of the Mid Suffolk Local Plan, adopted 1998 (LP) details the VIOS's objectives to be:

to conserve environmental features which contribute to the character and appearance of settlements, to protect open spaces within settlements, and to prevent village cramming by excessive infill.

12. The appeal site is not an open space, nor does it contain any environmental features which contribute to the character and appearance of the settlement. It comprises part of the front/side garden of the host dwelling and when viewed from the street, it is dominated by the attached garage, wall and hard surfacing, which is urban in appearance. The plot of the host dwelling is demarcated from the allotments to the north and has a noticeably different character. Therefore, the appeal site has the appearance of adjoining the surrounding open space rather than forming part of it. There is no gradual transition to the open land beyond. While the proposed bungalow would be taller than the existing structures it would replace, it would be single storey and unlike the existing structures, it would not occupy the full width of the plot. Therefore, it would not lead to an intensification of the built frontage or erode an existing open space. While resulting in the subdivision of the existing plot, I have concluded that it would not result in the overdevelopment of the plot and therefore it would not be seen as cramped.

#### *Character and Appearance – Appeal A*

13. The proposed bungalow would have an L-shaped footprint with three bedrooms, an integral garage and would predominantly follow the front building line of the host dwelling. It would be constructed of brick and horizontal cladding with a grey clay plain tile roof.
14. The proposed bungalow would be separated from the two recently constructed dwellings by the host dwelling. It would have a similar design as the recently constructed bungalows but would include a square bay window to the front elevation, would have grey window frames rather than white and would be a mirror image. The majority of the dwellings within the village are individually designed. However, during my site visit I noted that some of the more recently constructed dwellings have a repetitive design, sometimes varied by a change in materials or as a mirror image. The proposed bungalow would follow this characteristic and therefore, would not be out-of-character with the settlement. Furthermore, the design of the proposed bungalow would not be highly noticeable from the street scene due to its scale, set back and the provision of a boundary hedge along the roadside.

#### *Character and Appearance –Appeal A and Appeal B*

15. In reference to the first main issue, the development proposed in both Appeal A and Appeal B would not adversely affect the character and appearance of the surrounding area. The proposed developments would both comply with Policies GP1, H13 and H15 of the LP and Policy CS5 of the Mid Suffolk District Core Strategy Development Plan Document, adopted 2008 (CS) which, amongst other things, seek to ensure that proposals maintain or enhance the character and appearance of their surroundings.

#### *Living Conditions of the Occupiers of the Host Dwelling – Appeal B*

16. The proposed dwelling would be single storey with a pitched roof that slopes away from the host dwelling. It would be sited to the north of the host dwelling with a gap separating the two dwellings. The proposed dwelling would extend

to the same depth as the host dwelling to the rear and would be set back from the host dwelling's front elevation. The host dwelling has a bathroom window within the western rear elevation closest to the appeal site. However, a bathroom is not a functional room that is used for extended periods of time. Two windows are located within the northern elevation of the host dwelling that serve a kitchen and a living room. However, the kitchen is dual aspect with a glazed opening within the southern elevation, and the living room is triple aspect with glazed openings in both the western and southern elevations. Therefore, the outlook from the windows of the host dwelling would not be unduly affected by the proposed development.

17. In reference to the second main issue, the proposed development would not adversely affect the living conditions of the occupiers of the host dwelling, with particular reference to outlook. It would therefore comply with Policy H16 of the LP which, amongst other things, seeks to protect the existing amenity of adjacent dwellings.

### **Other Matters – Appeal B**

18. The appeal site is not located within a Conservation Area. The Council has not raised an objection to the development on ecological grounds and is satisfied that the proposal would not adversely affect protected species or result in any biodiversity issues. From the information before me, I have no reason to come to a different view. The proposal would be adjacent to a ribbon of existing dwellings located within the village. Therefore, the inclusion of one additional dwelling would not unduly result in light pollution to the surrounding area. The height of the proposed dwelling would be lower than the host dwelling. The Council has not raised an objection to the height of the proposal and from the information before me, I have no reason to come to a different view.

### **Conditions**

#### *Appeal A and Appeal B*

19. I have had regard to the conditions suggested by the Council and the tests for conditions set out within the National Planning Policy Framework. As a result, I have made amendments to some of the conditions in the interests of clarity, precision and to avoid repetition. Furthermore, I have amended some of the proposed trigger points as it is not necessary for them to be pre-commencement conditions.
20. In addition to the standard condition, which relates to the commencement of development, I have specified the approved plans for the avoidance of doubt. Conditions in respect of the construction of the access, its materials and visibility splays; the prevention of water discharging onto the public highway; the setting back of any gates or other means of obstruction to the access; the retention of areas for the purposes of loading, unloading, parking and manoeuvring are necessary for highway safety reasons. It is also necessary for a condition requiring the submission, approval and implementation of electric vehicle charging infrastructure to promote more sustainable modes of transport.
21. The Council suggest a condition is imposed that requires refuse and recycling storage facilities to be provided as shown on the submitted drawing. However, no such details are included on the drawings. I have therefore amended the

wording of this condition to require the details to be submitted, approved and implemented which is necessary to ensure their siting does not pose an obstruction or danger to the highway.

#### *Appeal A*

22. Hard and soft landscaping proposals were not submitted as part of the proposal and therefore it is necessary for conditions to be attached that require the submission, approval and implementation of such details to ensure that the proposal's appearance complements the character and appearance of the surrounding area.
23. The Council suggest a condition is imposed that requires secure cycle storage facilities to be provided as shown on the submitted drawing. However, no such details are included on the drawing. I have therefore amended the wording of this condition to require the details to be submitted, approved and implemented which is necessary to promote more sustainable modes of transport.

#### *Appeal B*

24. Hard and soft landscaping proposals were submitted as part of the proposal, which are deemed acceptable by the Council. A condition requiring the development to be undertaken in accordance with the landscape drawing is therefore necessary to ensure that the proposal's appearance complements the character and appearance of the surrounding area.
25. A condition requiring the submission, approval and implementation of secure cycle storage facilities is necessary to promote more sustainable modes of transport.

#### **Conclusion**

26. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that Appeal A and Appeal B should be allowed.

*A Berry*

INSPECTOR

#### **Schedule of Conditions – Appeal A**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the submitted drawings: 2 Rev A and 3 Rev A.
- 3) Prior to the occupation of the dwelling hereby approved, the existing vehicular access shall be improved, laid out and completed in accordance with Suffolk County Council's Domestic Vehicular Access Layout No Footway Present drawing No. DM01 and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
- 4) Prior to the occupation of the dwelling hereby approved, the existing access onto the highway shall be surfaced with a bound material for a minimum

distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The approved details shall be retained thereafter.

- 5) Any gate/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.
- 6) No development above slab level shall take place until details have been submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out prior to the occupation of the dwelling hereby approved and shall be retained thereafter.
- 7) No development above slab level shall take place until details of the areas to be provided for the storage and presentation of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the dwelling hereby approved and shall be retained thereafter for no other purpose.
- 8) Prior to the occupation of the dwelling hereby approved, the area(s) within the site shown on drawing No. 3 Rev A for the purposes of loading, unloading, manoeuvring and parking of vehicles shall be provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.
- 9) No development above slab level shall take place until details for the purposes of secure cycle storage has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the dwelling hereby approved and shall be retained thereafter for no other purpose.
- 10) Prior to the occupation of the dwelling hereby approved, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the occupation of the dwelling hereby approved and shall be retained thereafter.
- 11) Prior to the occupation of the dwelling hereby approved, visibility splays shall be provided as shown on drawing No. 3 Rev A with an X dimension of 2.4 metres and a Y dimension of 59 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2, Class A, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 12) No development above slab level shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also

accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained.

- 13) The approved soft landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved in writing by the local planning authority. The approved hard landscaping details shall be carried out prior to the occupation of the dwelling hereby approved. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, damaged or diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

### **Schedule of Conditions – Appeal B**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the submitted drawing No's: 1, 4 Rev B, LSDP 1878.01 Rev A.
- 3) Prior to the occupation of the dwelling hereby approved, the existing vehicular access shall be improved, laid out and completed in accordance with Suffolk County Council's Domestic Vehicular Access Layout No Footway Present drawing No. DM01 and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
- 4) Prior to the occupation of the dwelling hereby approved, the existing access onto the highway shall be surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The approved details shall be retained thereafter.
- 5) Any gate/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.
- 6) No development above slab level shall take place until details have been submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out prior to the occupation of the dwelling hereby approved and shall be retained thereafter.
- 7) No development above slab level shall take place until details of the areas to be provided for the storage and presentation of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the dwelling hereby approved and shall be retained thereafter for no other purpose.
- 8) Prior to the occupation of the dwelling hereby approved, the area(s) within the site shown on drawing No. 4 Rev B for the purposes of loading, unloading, manoeuvring and parking of vehicles shall be provided and

thereafter the area(s) shall be retained, maintained and used for no other purposes.

- 9) No development above slab level shall take place until details of the areas to be provided for the purposes of secure cycle storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the occupation of the dwelling hereby approved and thereafter shall be retained, maintained and used for no other purposes.
- 10) Prior to the occupation of the dwelling hereby approved, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the occupation of the dwelling hereby approved and shall be retained thereafter.
- 11) Prior to the occupation of the dwelling hereby approved, visibility splays shall be provided as shown on drawing No. 4 Rev B with an X dimension of 2.4 metres and a Y dimension of 70 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2, Class A, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 12) All hard landscaping, planting, seeding or turfing shown on the approved landscaping details drawing No. LSDP 1878.01 Rev A shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved in writing, by the local planning authority up to the first occupation of the dwelling hereby approved. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, damaged or diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

**\*\*\*End of Conditions\*\*\***