



Appeal Decision

Site visit made on 16 May 2023

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/F3545/W/22/3309221

Land Adjoining Roseway, Bury Road, Stanton, Bury St Edmunds, Suffolk IP31 2BZ.

- 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 Mark Belcher (Michael Belcher Ltd) against the decision of West Suffolk Council.
 - The application Ref DC/22/0746/FUL dated 26 April 2022, was refused by notice dated 3 August 2022.
 - The development proposed is one bed flat over garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the positioning of the proposed housing in this countryside location would be appropriate in the context of the development plan; and
 - whether the proposed development would have an adverse effect on the character and appearance of the new houses adjacent, the surroundings on Bury Road and its countryside setting.

Reasons

3. The appeal site is located outside the settlement boundary to Stanton which is a key service centre under Policy CS4 of the *Bury St Edmunds Core Strategy* (BCS). It lies about 8-900 metres from the centre of Stanton within a cluster of development west of the village on the west side of Bury Road and to the rear of Roseway and a pair of semi-detached houses under construction at the time of the site visit. A dedicated footpath along Bury Road links the site to the village.
4. The planning permission for the two semi-detached houses included a block of three garages to be built on the appeal site. The now proposed garage block and flat above would sit broadly in the same position and on the same orientation as the original permitted garage block although a little further from the semi-detached houses and some two metres higher. It would replace a smaller temporary outbuilding / store currently on the site.
5. The site is now virtually enclosed by development with the new housing to the east, Roseway to the south and the Rose and Crown Court development to the west. An area of open storage and outbuildings lies to the north behind the

neighbouring property Oaklands from which the appeal site is separated by a boundary fence and planting.

The Location of the Proposed Housing

6. Being outside a defined settlement boundary the site lies within the countryside and subject to Policies DM5 and DM27 of the *Joint Development Management Development Plan Document* (JDMDPD). The first of these, sets out the limited range of circumstances in which housing will be appropriate in the countryside. Although the dwelling is small and likely to have a lower market value as a result, it is not proposed to be managed as an affordable housing unit and therefore would not comply with clause b) of Policy DM5. Clause f) however could apply, in that the development is small scale, on a small plot provided that it would be in accordance with Policy DM27. This policy accepts that infilling would be allowed but in very specific circumstances.
7. The first criterion of Policy DM27 requires that development is within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting the highway. The cluster in which the appeal site sits is close knit, does sit fronting and adjacent to the highway and, including the houses currently under construction and those constructed within the Rose and Crown Court development, would meet the first policy requirement.
8. The second criterion of Policy DM27 however requires the development to be infilling of a small undeveloped plot for one or two dwellings within an otherwise built up frontage. Whilst the proposal is only for one small flat as a vertical addition to an already permitted block of garages, it would not be within the frontage but would be in a backland position relative to the new houses under construction. The semi-detached houses themselves already take up the 'allowance' permissible under criterion b) of Policy DM27 with the appeal site functionally forming part of this development. The construction of an additional dwelling unit would not be commensurate with the character of the existing dwellings as frontage development lining Bury Road and would exceed the development capacity limit set out in Policy DM27.
9. I acknowledge that the development to the rear of the former Rose and Crown establishes an in depth form to the cluster which possibly did not exist previously. However, the circumstances surrounding that development are not before me and in any event Rose and Crown Court is separate from the immediate context of the appeal site and the neighbouring frontage properties.
10. I am therefore not persuaded that criterion b) would be met. The proposal, being located in the countryside and not constituting development that would otherwise be considered appropriate in the countryside, would conflict with both JDMDPD Policies DM5 and DM27.

Character and Appearance

11. Development of the garage and flat would result in a large stand-alone structure to the rear of the semi-detached houses of a significantly greater height and mass than the permitted garage block. The enlarged garage would intensify the level of development within the plot and would appear disproportionately large and not subordinate to the houses and backland parking court in which it is located.

12. It has been put to me that in design terms the finished effect would introduce a suburban character to the site out of keeping with the surroundings. Given the context of the nature of development around I am not persuaded that what is proposed would necessarily have a suburbanising effect. However, there are elements of the design proposed, its blank facades to three sides and verticality, given the high eaves line, that would not be attractive. To accommodate the flat above the garage requires a gable height of just over 6 metres (even in the revised scheme). I have been invited to conclude that this would be less than development in Rose and Crown Court. However, in the confined and separate context of the parking court to the semi-detached houses on the frontage this scale of building, compared to the permitted single storey garage, would constitute a visually overbearing design. Overall the proposed design is poorly conceived and the resultant building would not be commensurate with the scale and character of the frontage buildings as required by Policy DM27.
13. I acknowledge that the building would be largely screened behind the semi-detached houses and not visible from Bury Road or, to any extent, from the surrounding landscape. However, it would be very dominant in the immediate context of Roseway and the new houses and, whilst clearly permission for a triple garage was permitted, the buildings are significantly different in scale and impact.
14. For the reasons above, the proposed development largely due to its positioning, scale, height and design, would adversely impact on the character and appearance of the frontage houses and Roseway and the surroundings on Bury Road. It would therefore conflict with both BCS Policy CS3 on design and local distinctiveness that requires development to contribute to a high quality, safe and sustainable environment. It would also conflict with JDMDPD Policy DM2 requiring development to address the key features, characteristics, landscape character and local distinctiveness and with Policy DM22 on residential design which, amongst other things, requires development to be the product of coherent and appropriate design principles. These policy objectives would not be met by the proposal.

Other Matters

15. It has been put to me that the benefits of the scheme would be in providing a small, low cost, starter home and that this would outweigh any shortcomings of the scheme. However, the flat would not be provided and managed to meet a need for affordable housing. The Council can currently provide 5.4 years of housing supply and has delivered 128% of its housing requirement over the last 3 years based on housing delivery test results published in 2022. Thus there is not a clear need for additional general market housing, the housing policies of the BCS and JDMDPD can be considered up to date, the tilted balance in paragraph 11 of the Framework is not engaged and the development should be determined in accordance with the development plan.
16. I note that there are no neighbour objections nor technical matters that have given rise to objections that cannot be satisfactorily resolved by imposing conditions. However, this does not outweigh the in principle objection and harm to character and appearance.
17. I acknowledge the appellant's case that the development would meet the objective set out in the *National Planning Policy Framework* at Paragraph 79 that promotes sustainable development in rural areas that would enhance or maintain the vitality of rural communities. Whilst I accept that there would be some social benefit from an additional small housing unit this would lend minimal support to the vitality of

Stanton. Moreover, there would be very little additional economic benefit from the construction of the garage with flat compared to the garage alone. Compared to these limited social and economic benefits the negative impacts of the design would not contribute to the environmental objective. I am therefore not persuaded that the proposal would be sustainable development.

Conclusion

18. For the reasons given above, whilst I acknowledge there would be benefit in terms of the provision of new housing, I am not satisfied that this alone justifies developing in this countryside location. Nor am I satisfied that the harm to the character and appearance of the immediately surrounding development and this part of Bury Road would be mitigated by the design and landscaping. Accordingly, the appeal is dismissed.

P. D. Biggers

INSPECTOR