



Appeal Decision

Site visit made on 30 June 2023

by S Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

An Inspector appointed by the Secretary of State

Decision date: 19th July 2023

Appeal Ref: APP/F3545/W/22/3310389

Rathkeltair Lodge, Barton Hill, Fornham St. Martin IP31 1SN

- 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 and Mrs Hall (Hall Contracts Ltd) against the decision of West Suffolk Council.
 - The application Ref DC/21/2245/FUL, dated 10 November 2021, was refused by notice dated 12 July 2022.
 - The development proposed is a. one dwelling (following demolition of existing dwelling), b. new vehicular access and c. 2 metre close boarded acoustic fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development (i) accords with development plan policy for replacement dwellings in the countryside and (ii) the effect of the proposal upon the character and appearance of the area.

Reasons

Development Plan policy

3. The appeal site is located on a corner plot in a countryside location and is a detached two-storey property within a large curtilage. The current dwelling has a floor area of approximately 166 square metres. The proposal is to demolish it and to replace it with a five-bedroom detached dwelling with a floor area of about 965 square metres which includes a garage element incorporating a study and playroom at first floor level, and also a basement to accommodate a swimming pool and gymnasium. The appellant states that the proposed dwelling would extend over four levels.
4. Policy DM5 of the West Suffolk Joint Development Management Policies Document 2015 (JDMPD) is supportive of sustainably located development in the countryside in certain circumstances, one of which is where a replacement dwelling reflects the scale and floor area of the original dwelling.
5. The replacement dwelling would be substantially larger in its floor area than the existing building.
6. The appellant maintains that the appeal site is in a sustainable location, being also near the settlement boundary and is in a suburban area. However, this

does not accord with the definition of sustainable development as contained in policy DM5.

7. The National Planning Policy Framework 2021 (the Framework) states that sustainable development has three objectives – economic, social and environmental. I have no information before me as to the proximity of the site to facilities and services. Furthermore, I afford only limited weight to the social and economic aspects of sustainability in the decision making process given that only one dwelling is proposed. While the construction of the proposed dwelling would have an economic dimension in that it would provide employment opportunities, this would be a short term benefit.
8. So far as the proposed amenity space around the replacement building is concerned, the local planning authority (LPA) considers that this would be increased in size to incorporate former orchard land and in so doing would conflict with JDMPD policy M25. However, even if it were to incorporate additional amenity space, policy M25 refers to house extensions rather than to new dwellings and is, in any event, concerned with the loss of the best agricultural land, hedgerows, and biodiversity, rather than any objection in land-use terms.
9. Notwithstanding the issue of the proposed amenity space, I conclude that because of its scale and floor area when compared to the existing dwelling, the proposed development would not accord with policy DM5 of the JDMPD.

Character and appearance

10. The character and appearance of the area is that of a semi-rural area but with substantial existing dwellings adjoining the appeal site and other dwellings opposite the road. The proposed replacement dwelling would conform with the size of its near neighbours to the north-east of the site, though not with the smaller sized dwellings directly opposite it.
11. Its design would create a well-balanced, high quality development where the garage would be a subservient addition. It would not harm the local distinctiveness of the area or that of the street scene.
12. Therefore, I conclude that the proposal would conform to JDMPD policies DM2, DM22, CS3 and DM5, all of which require good design which reflects the character and appearance of the area. It would also conform to chapter 12 of the Framework which requires the same.

Other Matters

13. The appellant has referred to permitted development rights which should be considered as a fall-back alternative, and which could result in a dwelling of a greater scale than is now proposed and with less control upon the resulting built form. However, such permitted development, though not all, restricts heights to single storey scale whereas the appeal proposal is for a dwelling which, according to the appellant, extends over 4 levels. The LPA does not dispute the appellant's claim that permitted development rights exists for the existing property. However, the appellant has applied for planning permission for development over four levels. There is insufficient evidence before me that the appellant would be likely to exercise permitted development rights in the absence of the appeal development being permitted. The appellant has not demonstrated that he would be likely to achieve the same accommodation

requirements from retaining the existing property and utilising permitted development rights concerning extensions, additions and adaptations. I therefore afford this matter limited weight in the overall planning balance.

14. Reference is made by the appellant to other applications where a fall-back position has been given substantial weight. However, I am not aware of the details of such applications. In any event, for the reasons stated above relating to the differences in the size and scale of permitted development rights when compared to the appeal proposal, and the evidence that is before me, I afford the existence of permitted development rights relating to other developments limited weight in the decision making process.
15. I can appreciate that the existing dwelling, by its age, may not be as energy efficient as might be a new property. However, there is nothing before to suggest that it would not be possible to make the existing property more energy efficient. I also understand that the existing building has, at times, been vandalised and that it might require a disproportionate expenditure to bring it to modern standards, though I have no details of such likely expenditure.
16. None of the above matters alter our outweigh my overall conclusion below.

Conclusion

17. While I have found that the proposal would not cause significant harm to the character and appearance of the area, there would nonetheless be clear conflict with policy DM5 of the JDMPD. This is a matter of overriding concern and is not outweighed by other material planning considerations. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR`