



Appeal Decision

Site visit made on 22 August 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/F3545/W/23/3316756

Land rear of 89 York Road, Bury St Edmunds IP33 3EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Pooley against the decision of West Suffolk Council.
 - The application Ref DC/22/1586/OUT, dated 8 September 2022, was refused by notice dated 13 January 2023.
 - The development proposed is the erection of 2 detached dwellings with access via Prince of Wales Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, except for access. Appearance, layout, scale and landscaping are reserved for subsequent approval. I have dealt with the appeal on that basis and treated the site layout plan as illustrative.

Main Issues

3. The main issues are:
 - a) Whether the development would preserve or enhance the character or appearance of the Victoria Street Conservation Area (CA); and
 - b) The effect of the development on trees.

Reasons

Conservation Area

4. The appeal site comprises a parcel of land to the rear of 88-90 York Road. It bounds Prince of Wales Close to the rear from where access would be taken.
5. York Road forms part of the wider Victoria Street CA. It is comprised of a variety of building types and forms. The majority of dwellings benefit from long back gardens as a testament to the era in which they were built although there are a few early to mid-twentieth century exceptions to this pattern of development. Nevertheless, this space still exists in an almost completely intact form.
6. The significance of this part of the CA is its variety of building types, albeit with unifying characteristics, long back gardens and the amount of space to the rear of properties.

7. The construction of two dwellings would alter this by introducing a pair of detached houses into these long back gardens. This a distinct difference to the small-scale sheds and outbuildings which otherwise populate this area. Buildings addressing York Road are closely knit. Assuming the dwellings were two storey structures, they would be visible in fleeting views through gaps between houses. They would be most apparent from the rear of houses addressing York Road, Prince of Wales Close, the Beeches and views into the CA from these aspects. From here the loss of the undeveloped long gardens would be obvious.
8. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In making this assessment I have also had regard to paragraph 201 of the National Planning Policy Framework (the Framework). I conclude that the introduction of two dwellings and loss of a traditionally undeveloped area of land, that is important to the significance, would harm the character and appearance of the CA.
9. The Framework advises, at Paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 201 of the Framework, the harm to the CA is nevertheless a matter of considerable importance in this case.
10. Paragraph 202 of the Framework also requires that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The only public benefit in this instance is the addition of two dwellings to the supply of housing. However, that benefit is minimal and cannot outweigh the identified harm to the CA.
11. I conclude that the provision of two new dwellings, in an area of traditionally undeveloped garden land, would fail to preserve or enhance the character or appearance of the CA. The proposal therefore fails to accord with Policies DM2, DM17 and DM22 of the West Suffolk Joint Development Management Policies Document (2015) (DMPD), Policy CS3 of the St Edmundsbury Core Strategy (2010) (CS) and the Framework. These policies require development to be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character.

Effect on trees

12. The Council have suggested that an inadequate level of detail to assess the impact of the development on trees was provided with the application. However, from my site visit, I noted that almost all of the site was laid to grass with no trees over the illustrated siting of the dwellings. Indeed, evidence was provided to show that consent was granted on 6 May 2022 (ref. DC/22/0803/TCA) for the felling of one apple, one blackthorn and a cypress and these were clearly not longer in situ.
13. The boundaries of the site do feature several rows of leylandii confer trees, a eucalypt and other vegetation. However, the proposed dwellings could be comfortably positioned within the site without affecting these trees. Further

assessment could be dealt with through the imposition of appropriate conditions. As such, I conclude there is no conflict with policy DM13 of the DMPD.

Conclusion

14. For the reasons given above I conclude that the proposed two dwellings at land to the rear of 89 York Road would fail to preserve or enhance the character or appearance of the Victoria Street CA. It would, therefore, conflict with Policies DM2, DM17 and DM22 of the DMPD, Policy CS3 of the CS and the Framework. The development would not harm trees and would accord with Policy DM13 of the DMPD and I have not found conflict with any other policies of the development plan. Nevertheless, the conflict I have found means that the proposal would not comply with the provisions of the development plan, read as a whole. I have not found any considerations to outweigh this conflict.
15. For these reasons, the appeal should be dismissed.

Nick Bowden

INSPECTOR