



Appeal Decision

Site visit made on 26 September 2023

by Nick Bowden BA(Hons) DIP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/D3505/W/23/3319696

The Dell, Newton Road, Sudbury, Suffolk CO10 2RN

- 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 Mrs K D Marginson against the decision of Babergh District Council.
 - The application Ref DC/22/04436, dated 5 September 2022, was refused by notice dated 27 October 2022.
 - The development is a proposed new dwelling with associated garage & parking to rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed new dwelling with associated garage & parking to rear garden at The Dell, Sudbury, Suffolk CO10 2RN in accordance with the terms of the application, Ref DC/22/04436, dated 5 September 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. 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 Issue

4. The main issue is the effect on the character and appearance of the area, with particular regard to whether the proposal would be compatible with the existing pattern of development.

Reasons

5. The appeal site is set within the built up area of Sudbury, but in a location on the northern side of Newton Road, the A134, where its immediate surroundings are characterised by sparser patterns of development. This is within a verdant setting given the presence of Sudbury Cemetery to the western side and at the rear, and other development that sits behind mature landscaping. Buildings are still present but do not offer a uniform style or relationship with the main road. Conversely, towards the west, buildings are somewhat more regularly arranged

- with street frontages. However, the width of these frontages and building positioning still varies noticeably.
6. The existing site itself comprises a detached bungalow set on an irregularly shaped parcel of land. It forms one of a general line of homes addressing Newton Road. The four are largely surrounded by a small tract of woodland and Sudbury Cemetery to the rear. The other three homes; Flint Lodge, Treetops and Woodpeckers all address Newton Road whilst The Dell is set back and recessed from the road frontage behind a tall gate. Read together, these do present as a slight anomaly in the predominantly linear frontage of Newton Road, albeit not an unpleasant one.
 7. The existing dwelling at The Dell is barely visible in the street scene. Even then, this is only over the gate and of the ridge line of the dwelling. Outbuildings to the rear are just barely visible through gaps in boundary hedging from the cemetery and only in very deliberate views.
 8. Illustrative plans show the proposed dwelling would be set to the rear of the existing one. Taking account of the increased distance from the road and screening afforded by the existing dwelling and landscaping along the Newton Road frontage, the proposed dwelling would only likely be glimpsed when passing the proposed access. Given the distances involved, it would have little effect on the character and appearance of the street scene. The only other public vantage point of the proposed dwelling would be from the cemetery to the rear of the site, even then, established boundary screening in the form of hedging and trees would minimise this appreciation. Although this pattern of development is somewhat unusual, the current collection of dwellings already reads as a slight anomaly in the street scene.
 9. It follows that this positioning allows the current small collection of homes to be read in a different context to others in the locality. As such, I do not consider that the new dwelling would harm the character of the area as this character is unique and reads differently to other forms of nearby development. This, in any case, is not particularly consistent. Allowing a new dwelling in this 'backland' location would not set any form of precedent for similar development in the wider setting as it is the specific individual circumstances of the site and its surroundings that result in a lack of harm in this particular case.
 10. The site would utilise the existing access to the Dell. Although this would result in some intensification of its use, I am satisfied that the limited additional movements arising from a single dwelling would not alter its character detrimentally nor have an unacceptable impact on the living conditions of occupiers of The Dell or Treetops with respect to noise, light or disturbance. This is noting the potential for appropriate boundary treatments and landscaping as part of the reserved matters. In reaching that view I have also taken into account that the provision of parking and turning areas within the site are achievable and can be secured by condition to ensure entry from and exit onto Newton Road by vehicles in forward gear, and suitable passing places within this site, which would ensure no harm to highway safety.
 11. Having regard to all of the above, I conclude that the proposed development would not harm the character and appearance of the area, including the existing pattern of development. The proposal, therefore, does not conflict with Policies CN01 and HS28 of the Babergh Local Plan 2006 or Policy CS15 of the

Babergh Core Strategy 2014. The policies, when taken together and amongst other things, seek development which respects local context and character, including with respect to density. The policies are consistent with the design objectives of the National Planning Policy Framework to which the proposal also accords.

Other Matters

12. I have noted that the intention is for the new dwelling to be occupied by an elderly person. However, the application is for a new independent dwelling which will no doubt outlast the personal circumstances of the appellant. I have therefore attributed this no weight in this decision.

Conditions

13. I have imposed conditions requiring the approval of reserved matters, general time limit and to ensure adherence to plans and means of access for certainty. I have further imposed conditions relating to landscaping and ecological measures to ensure that the development is attractively landscaped and promotes wildlife habitat. In addition, a condition is included to require vehicle parking within the site, including electric vehicle charging, and for vehicles to be able to turn. I have not imposed a condition relating to cycle parking as the site is of a sufficient size to accommodate this without a nominated area being needed.
14. I do not consider a condition restricting height of the dwelling to be necessary as this will be assessed under the reserved matters submission. I further do not consider it necessary to remove 'permitted development' rights for the new dwelling. Such rights are afforded by Government Order and should not be removed unless exceptional reasons exist. No such exceptional reasons have been drawn to my attention.

Conclusion

15. For the reasons given above I conclude that the proposed development complies with the provisions of the development plan, read as a whole, and the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

Nick Bowden

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) This planning permission relates to the site as denoted by the red line on site location plan drawing no. 21/012 – 5 and the approval of means of access only as indicated on drawing no. 21/012 – 2 Revision C. The development shall be carried out in accordance with the details of the means of access hereby approved and retained as such thereafter.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping, pursuant to condition 1, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) All mitigation measures and/or works associated with the development hereby permitted shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Adonis Ecology Ltd, May 2022), and/or the recommendations of any subsequent updated ecological assessment/survey/plans (as required by Section 5.1 of the Preliminary Ecological Appraisal) if submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to works proceeding beyond damp proof course level, a biodiversity enhancement strategy shall be submitted to and approved in writing to the local planning authority. The biodiversity enhancement strategy shall have regard to the recommendations of the Preliminary Ecological Appraisal (and/or any subsequent updated ecological assessment, survey or plans required by it) and be implemented thereafter in accordance with those details.
- 8) The new dwelling shall not be occupied until space has been laid out within the site for:
 - i. two cars to be parked, of which at least one space shall make provision for electric vehicle charging,
 - ii. a turning area for vehicles to turn so that they may enter and leave the site in forward gear.

These identified areas shall thereafter be kept available at all times for those purposes.

End of schedule