



Appeal Decision

Site visit made on 19 October 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2023

Appeal Ref: APP/X3540/W/23/3314546

8 Vine Road, Otley, Suffolk IP6 9NZ

- 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 Pete Krailing against the decision of East Suffolk Council.
 - The application Ref DC/22/1329/FUL, dated 4 April 2022, was refused by notice dated 15 September 2022.
 - The development proposed is Full planning approval is sought for the development of this site, the building is composed of a modest two bedroom eco-bungalow. The total GIA is 130m² which includes an entrance hall, cloakroom and utility room. An open plan Kitchen, Dining and Living area along with two en-suite double bedrooms, surrounded with a private garden and parking/turning area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed it no longer wishes to uphold the second reason for refusal related to the effect of the development on Habitats Sites following a contribution made by the developer. I will return to this matter in due course.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and Appearance

4. Vine Road is a residential area within an existing settlement. Although there are open fields to the rear of the site, it has the character of a suburban garden. Vine Road is characterised by semi-detached dwellings laid out in a regularly spaced pattern around a central open space. The dwellings typically occupy spacious plots and, although set back from the road, face onto it. There is a mixture of two storey buildings finished in red brick and rendered bungalows. There are some differences in detailing through alterations to windows, porches and side extensions, however this does not affect the prevailing character I have identified.
5. 8 Vine Road occupies a corner plot and the proposed dwelling would be located to the rear and side. It would have a sprawling footprint in comparison to the regular, more compact form of the existing dwellings. Much of the length of the

- building would be sited along the boundary with the remaining rear garden of No 8. From the front, it would extend for much of the width of the plot.
6. The use of render, timber cladding and sedum roof would have only the most limited relationship with the materials palette of the existing development in that the bungalows are rendered. While timber cladding is a common material in the wider area, it would not have any relationship to the surrounding development in this location.
 7. As a result, the proposed development would appear incongruous given the strong, regular plot pattern and design of dwellings that characterises Vine Road and would result in it appearing as a discordant, cramped addition to the built form.
 8. The proposed dwelling would not be readily visible from Vine Road given its position in relation to the existing building and corner position in the street. Any glimpses from Church Road would be very limited given the extent of development and planting. It would be considerably lower in height than the existing building. However these would not address the harms I have identified above.
 9. There is no requirement for development to replicate or copy that around it and the National Planning Policy Framework (the Framework) is clear that appropriate innovation and change should not be prevented or discouraged. The adverse effects I have identified are such that the proposed development would not be an appropriate innovation in this location.
 10. The proposed development would have an adverse effect on the character and appearance of the area. It would therefore be contrary to Suffolk Coastal Local Plan adopted September 2020 (LP) Policies SCLP5.7 and SCLP11.1 which, taken together and insofar as they relate to this appeal, require development to respond to local context and the form of surrounding buildings and be well related in scale and design to adjacent properties. It would also be contrary to paragraph 130 of the Framework which requires, amongst other things, development to add to the overall quality of the area.

Living Conditions

11. The proposed dwelling would be sited immediately adjacent to what would form the remaining rear garden of No 8 and would effectively encompass the full length of the boundary. Although the proposed dwelling would be single storey, it would nonetheless be clearly visible and prominent from the rear garden of No 8 given its proposed position and height. This would increase the sense of enclosure felt by occupiers when using the garden and adversely affect their outlook. This would harm the living conditions of occupiers of that property.
12. The proposed design does seek to minimise the effects on the living conditions of neighbouring occupiers through its single storey design, staggered elevation to the boundary with No 8 and the majority of the glazing facing into the site. The car port and integral garage do not have an adverse effect on the living conditions of 9 Vine Road given the siting of the proposed dwelling and appropriate boundary treatments could be secured by condition. Sufficient space would remain for there to be acceptable private amenity spaces to the existing and proposed dwelling. However, these would not overcome the harm I have identified above with respect to outlook.

13. The proposed development would therefore have an unacceptable effect on the living conditions of neighbouring occupiers with particular regard to outlook. It would be contrary to LP Policies SCLP5.7, SCLP11.1 and SCLP11.2 which, taken together and insofar as they relate to this appeal require there to not be significant harm to, or unacceptable loss of residential amenity for neighbouring occupants. It would also be contrary to paragraph 130 of the Framework which requires, amongst other things, there to be a high standard of amenity for existing users.

Other Matters

14. The site is located within the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy Zone of Influence B for the Deben Estuary Special Protection Area (SPA) and Ramsar site, the Stour and Orwell Estuaries SPA and Ramsar site, the Alde-Ore Estuary SPA and Ramsar site, the Alde-Ore and Butley Estuaries Special Area of Conservation (SAC), and the Orfordness-Shingle Street SAC which are all subject to pressures from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the Habitats Sites. However, given my findings above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on integrity, with or without any mitigation, would be at best a neutral matter.
15. LP Policy SCLP12.58 specifically relates to a site allocated for residential development elsewhere in Otley. It is not in dispute that single storey dwellings are reflective of the character of the settlement – indeed they are characteristic of Vine Road. However, this would not outweigh the wider harm to character and appearance I have identified above.
16. There would be a benefit from the delivery of an additional dwelling, and the associated economic benefits during the construction and occupation stages. However these would be limited given the proposal is for one dwelling and would not outweigh the harms I have identified above.
17. I have no reason to think the existing dwelling does not benefit from permitted development rights. However, the construction of outbuildings associated with a dwelling is fundamentally different from the introduction of a new dwelling occupied by a separate household.
18. Sufficient private amenity space would be provided for both No 8 and the proposed dwelling. However, this would be expected of any well designed development and would therefore be neutral.

Conclusion

19. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR