The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2023

by Nick Bowden BA(Hons) DIP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2023

Appeal Ref: APP/F3545/W/23/3318722
Plot off the back road with access between 6 & 8 Boby Road at the rear of 17 Hunter Road, Bury St Edmunds, Suffolk IP32 6SN

- 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 Nigel Wolstenholme against the decision of West Suffolk Council.
- The application Ref DC/22/1830/HH, dated 21 October 2022, was refused by notice dated 15 February 2023.
- The development proposed is a single detached garage.

Decision

1. The appeal is allowed and planning permission is granted for a single detached garage at Plot off the back road with access between 6 & 8 Boby Road and to the rear of 17 Hunter Road, Bury St Edmunds, Suffolk IP32 6SN in accordance with the terms of the application, Ref DC/22/1830/HH, dated 21 October 2022, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the approved plans: DS-22-03-02 Rev E and DS-22-03-03 Rev A.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the adjacent garage.

Procedural Matters

2. The site address used in the banner heading and formal decision above has been taken from the appeal form as it is a more accurate address for the location of the appeal site.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The 'back road' is an unnamed lane which connects Boby Road to Beard Road and provides rear servicing for properties which principally address surrounding streets. It is formed of a relatively narrow laneway with a row of garages to properties addressing Andrews Walk on the south west side and, generally, a grass verge leading to the rear garden walls to properties addressing Hunter Road to the north east side.

5. The proposed garage would be constructed adjacent to the only garage on the north east side of the road, to the rear of number 17 Hunter Road. It would displace a small part of the grass verge that otherwise makes up this side of the road.

6. The appellant has provided evidence of an earlier layout plan for the estate. This indicates that garages were planned for both sides of 'back lane'. It confirms that this area was never intended as an open area in the original estate plan. The estate, overall, does feature many, often generous, areas of green space with mature tree planting. Many homes have their principal elevations addressing these green spaces. These areas contribute greatly to the character of the area. The grass verge along 'back lane' does not have this character. The grassed areas in service lanes such as this are commonly well maintained and tidy; but their contribution overall to the much larger, and more meaningful, open spaces nearby is negligible. These areas do not have trees and have the character of estate service lanes. The development would not compromise the sense of openness or create a restrictive nature.

7. I have been mindful of changes in planning policy since the last decisions by the Council, where similar garages in comparable locations were approved. The most recent being in 2006. Any change in policy, however, could not have altered the prior-established character of the area. Indeed, there is no evidence to suggest these policies were sufficiently different that would lead to a different conclusion.

8. The Council's officer report refers to the risk of precedent, if the proposal were to be allowed. I see no reason why, if this proposal were to be allowed, that it would undermine the Councils ability to exercise its judgement in relation to similar development proposals on this or other sites, especially because each case is determined on its own merits and because each site will have different constraints and opportunities. Moreover, because I have found the scheme acceptable on design grounds it will not set a harmful precedent.

9. Accordingly, I consider the addition of a garage in this location would be entirely consistent with the local pattern of development. The loss of this small area of grass, adjacent to an existing garage, and within a service lane would not result in any harm to the character or appearance of the area. I conclude that proposal would not cause harm to the character and appearance of the area and would accord with policies DM2 and DM24 of the West Suffolk Joint Development Management Policies Document 2015 and CS3 of the St Edmundsbury Core Strategy. These policies promote development which respects the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area.

Other Matters

10. In reaching this view I have had regard to the requirement of the appellant for disabled access, however, on the information before me I am unable to be conclusive because no details of this disability have been provided. Moreover, the distance of the garage from the dwelling which it would be associated with suggests that this may not be of great, direct, practical value to a person with a disability. In any event I have granted planning permission so any finding in the appellant's favour on this matter would not have altered my decision.

11. I have had regard to neighbour's comments regarding parking, the use of the garage and noise. However, these issues would be common to any domestic structure and there is no evidence to suggest that this proposal would be any different to neighbouring structures. There is no requirement in development plan policy to maintain on street parking. Concerns over loss of light, ventilation and litter accumulation would not have any direct effect upon any nearby dwellings and as such I can ascribe these concerns little weight.

Conditions

12. I have imposed conditions on a general time limit for implementation of the proposal and to ensure adherence to the approved plans for certainty. A condition requiring materials to match the adjacent garage is also imposed to ensure an acceptable design. These similar materials would also conform with nearby boundary walls and houses.

13. I have noted the conditions recommended by the highway authority relating to the maintenance of a visibility splay and the use of the garage. However, there is insufficient space within the application site for the visibility splay to be compromised without any such obstruction also blocking the entrance to the garage. The splay is otherwise within the highway boundary with negligible lawful opportunity for any obstruction to be introduced. I find this condition to be unnecessary and have not imposed it.

14. Further, the garage is a service structure in its own right, is distant from its 'parent' property and its use need not be restricted to vehicles only. As the garage is close to the highway boundary, there is insufficient space for manoeuvring, loading and unloading outside the garage. The garage is a width and depth which would allow this to occur within it and therefore a condition to control this is not required.

Conclusion

15. For the reasons given above, the proposal would accord with the development plan, when read as a whole. Material considerations, including the National Planning Policy Framework, do not indicate that a decision should be made other than in accordance with the development plan.

16. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Nick Bowden

INSPECTOR