

Appeal Decision

Site visit made on 21 November 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18.12.2023

Appeal Ref: APP/W3520/W/23/3319256

The Laurels, 20 North Acres, Willisham, Suffolk IP8 4SS

- 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 Karl Warnes against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/03794, dated 29 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is erection of 1 No. dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan, Part 1 (the JLP) was adopted in November 2023, after the Council's decision in this case. The new plan supersedes policies referred to in the decision notice from the Mid Suffolk Local Plan (1998), the Mid Suffolk Core Strategy (2008) and the Core Strategy Focused Review (2012). Relevant policies from the JLP are referred to in the Council's appeal statement and, therefore, I have had regard only to these policies from the adopted development plan.

Main Issues

3. The main issues are:
 - the suitability of the location for the proposed dwelling, having regard to the recently adopted development plan policies;
 - the effect on the character and appearance of the appeal site and surrounding area; and
 - whether the proposal would provide sufficient private amenity space for the occupiers of The Laurels and the proposed dwelling.

Reasons

Suitability of the Location

4. The appeal site forms part of the side and rear garden of The Laurels, a detached chalet bungalow in a residential road located in the village of Willisham Tye.
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5. The site is outside a designated settlement boundary and, therefore, is in the countryside for the purposes of development plan policy. The superseded plan policies, which were the basis for the first reason for refusal, sought to restrict development in the countryside with some limited exceptions. The Council also considered this an unsuitable location for the proposed dwelling by virtue of the lack of access other than by car to necessary services and facilities.
6. Policy SP03 of the JLP concerns the sustainable location of new development and so now is the principal policy with regard to this issue. It says that outside settlement boundaries, development will only be permitted where one or more of four criteria are met. Criterion c) requires development to be in accordance with one of the policies listed from the JLP. The list includes Policy LP01 concerning infill housing development, which the Council considers to be relevant in this case.
7. Policy LP01 allows for infill development of usually one or two dwellings outside settlement boundaries where there is a cluster of at least 10 well-related dwellings. This is the case here as the appeal site is surrounded by more than 10 dwellings. Moreover, the proposal would not conflict with the policy's requirement concerning sporadic or ribbon development, or the loss of gaps between settlements. Policy LP01 also requires that infill development should not be detrimental to the character and appearance of the settlement. As such, the proposal is compliant with Policies SP03 and LP01 subject to its effect on the character and appearance of the area, which is addressed under the following main issue.

Character and Appearance

8. North Acres as a whole includes a mix of dwelling types, but bungalows and chalet bungalows with accommodation in the roof space are most evident near the appeal site. Nos 16 to 20 represent a uniform pattern of development and layout, with chalet bungalows of the same design evenly spaced on a staggered building line with good sized front gardens. A common feature across the street scene is that dwellings face the road with side-facing gables and there is a good degree of separation between properties.
9. As a chalet bungalow, the proposed dwelling would be characteristic of dwelling types in North Acres. I note also that it has been designed to address the needs of occupants with restricted mobility. Furthermore, the space between The Laurels and the cottage to the east is a relatively substantive gap in the built frontage. However, in terms of layout the side elevation of the proposed dwelling would face the road with the front elevation facing towards the neighbouring cottage. This would be contrary to the characteristic layout of development in the street scene. Moreover, it reflects the constraints of the site's size as, despite this layout, the gap between the new dwelling and its neighbours, notably No 20, would be smaller than the gaps between the majority of other properties. I note that the appellant contends that this would not be the case, but based on the inspection, the characteristic extent of gaps between dwellings would not be achieved.
10. The more limited width of the site frontage would be apparent within the street scene, which together with its layout and proximity to No 20, would make the dwelling appear incongruous and uncharacteristic. In addition, the shape of

the site, with a narrow back garden tapering to the rear boundary would be uncharacteristic of the configuration of rear gardens within the surrounding area. As such, the proposed dwelling would appear as a cramped form of overdevelopment within the residential setting.

11. The proposed dwelling would not be a material improvement on the current appearance of the site. The existing garages are not in a poor state of repair or otherwise prominent or incongruous. Replacement of the garages is not, therefore, a sufficient reason to overcome the harm that would result from the proposal.
12. Accordingly, for the above reasons, I conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, it is contrary to Policy LP24 of the JLP, which requires all development to be of high quality design, including responding to and safeguarding the existing character/context. It is also contrary to Policy LP01, which as noted above, requires that infill development should not be detrimental to the character and appearance of the settlement; and to the National Planning Policy Framework (the Framework), which promotes good design.

Amenity Space

13. The total garden area of The Laurels is larger than those of the neighbouring dwellings of the same design and appearance to the west. This is due to its greater depth to the rear and the area to the side comprising the site of the proposed dwelling. Consequently, the appeal proposal would result in the host dwelling retaining a rear garden that would not be substantively different from those of its neighbours. Moreover, its quality would not be compromised as it would be of similar width and greater depth, and therefore would be functional and useable as private amenity space.
14. The same cannot be said, however, of the garden created for the proposed dwelling through the subdivision of the existing garden. The area to the rear would be a narrow space, tapering to the rear boundary. While I note the appellant's contention that it would not be materially smaller than the gardens of surrounding properties, its awkward shape and dimensions would result in substantive parts of it being of limited practical use as a private amenity space. As such, it is not directly comparable to the recent approval of Maple Place, which despite its relatively limited size, has a more conventionally configured rear garden.
15. Therefore, I conclude on this basis that while the occupiers of The Laurels would be provided with sufficient private amenity space, the occupiers of the proposed dwelling would not. Consequently, the proposal results in material harm with regard to this issue and so is contrary to Policy LP24 of the JLP, which requires development to provide adequate facilities, including garden space.

Other Matters

16. I have had regard to all the representations made by interested parties. I have no basis to disregard any of the representations provided to me, as the appellant requests. I was able to assess the effects on all neighbouring

properties, whether or not they are shown on the submitted plans. I have no evidential basis to conclude that an additional dwelling in this location would result in an increased risk of flooding or be harmful to wildlife. The appeal site currently provides access to the existing garages and there is no basis to conclude that the proposed dwelling of limited size would result in material harm to highway safety.

17. The limited height of the dwelling together with existing boundary planting and separation distances means that there would be no harmful effects on neighbouring occupiers' privacy or on natural light to existing properties. Furthermore, due to the existing residential character of the area, an additional dwelling would not result in harmful noise and disturbance to neighbouring occupiers.
18. Despite the appellant's view to the contrary, the Council has provided evidence that it can demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework¹. This evidence post-dates the Inspectors' letter drawn to my attention about the examination of the JLP, which in any case is now adopted. Moreover, as the JLP was examined and adopted recently there is no basis to find the most important policies for this appeal out-of-date. Therefore, the presumption in favour of sustainable development included in the Framework is not engaged².
19. For the avoidance of doubt, however, even were the presumption to be engaged in this case, I have found that the proposal would cause material harm to the character and appearance of the appeal site and surrounding area. As such, as well as it being contrary to the development plan, it is also contrary to the Framework's requirement that development is sympathetic to local character³. I give significant weight to the conflict with the Framework in this regard. The benefits set out by the appellant are not of sufficient weight, either individually or as a whole, to overcome the extent of the conflict with the development plan and the Framework. Therefore, I conclude that the adverse impacts of granting permission significantly and demonstrably outweigh the benefits.

Conclusion

20. I have found that the proposal would result in material harm and so is contrary to the development plan. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR

¹ Paragraph 74.

² Paragraph 11d).

³ Paragraph 130.