



Appeal Decision

Site visit made on 1 May 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/D3505/W/23/3322741

Land to the east of Alverstoke Farm Cottage, Calais Street, White Street Green, Polstead CO6 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Bradshaw against the decision of Babergh District Council.
 - The application Ref is DC/23/00480.
 - The development proposed is the severance of garden and erection of 1No single storey dwelling and new vehicular access (following demolition of outbuilding).
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Decision

1. The appeal is allowed and planning permission is granted for the severance of garden and erection of 1No single storey dwelling and new vehicular access (following demolition of outbuilding) at land to the east of Alverstoke Farm Cottage, White Street Green, Polstead CO6 5DW in accordance with the terms of the application, Ref DC/23/00480, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the planning application was determined the Council has adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP). The policies within the Babergh Core Strategy and Babergh Local Plan, previously cited as being relevant to the proposal, have been superseded and no longer form a part of the development plan. The Council have provided copies of those JLP policies it considers are relevant to the proposal and its refusal reasoning. The appellant has had the opportunity to comment upon them. As it forms a part of the adopted development plan, I have had regard to the JLP in reaching my decision.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was also published. I have had regard to the revised Framework insofar as it is relevant to this appeal.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. White Street Green is a village located within a rural area. The appeal site forms a part of the spacious plot serving Alverstoke Farm Cottage. The property fronts onto, and is accessed from, Calais Street. Its large garden is located to its front, side and rear, and this ensures that the property is well

spaced apart from the neighbouring property Newhouse. Being a bungalow with a quite wide frontage, Alverstoke Farm Cottage also has a low-slung appearance. There are other bungalows nearby on this side of the road which share these characteristics.

6. However, also nearby to the site, there are properties of a different character, appearance and layout. A short distance to the north-west, the properties of Rushbeck and The Magpies are positioned quite closely beside one another, and neither of these properties exhibit particularly wide front elevations.
7. The Smithy, the property numbered 22 adjacent, and their associated outbuildings combine to form a quite continuous belt of development when viewed from Calais Street. A similar effect is formed by the properties of Pottelberg Cottage and Treetops together with their outbuildings. Therefore, it is already established in the local area that there are buildings off Calais Street without pronounced gaps between them.
8. Opposite the site, a development is ongoing which includes a large garage with accommodation above. The garage's side elevation is directly opposite Calais Street, rather than a wide main elevation.
9. Given the above, I find that there is a variety to the scale, design and layout of properties within the village. In this context, the width of the proposed dwelling's frontage would be in keeping with the village. The large gap between Alverstoke Farm Cottage and Newhouse would, I accept, be eroded. However, the proposed dwelling would be served by a large front garden, an ample rear garden and some garden space would be retained to its sides too. Therefore, the proposed dwelling would be set within an adequately sized plot, and the gaps which would be left between it and the existing properties on either side would be sufficient - congruous with how built-up some other parts of the established street scene are at present.
10. Furthermore, although the proposed dwelling would be smaller than those to either side, the incorporation of features such as a hipped roof profile and a front projecting gable means that it, appropriately, takes some design cues from them. This would further assist in successfully assimilating the development into the site and its surroundings.
11. For the above reasons, I find that the proposal would not constitute overdevelopment of the site. Neither would it introduce to the site a form of development which would be at odds with the rural village it is situated within. The effects of the development upon the character and appearance of the area would, therefore, be acceptable. The proposal complies with policy LP24 of the JLP which, amongst other matters, sets out that new developments must be of high quality, be harmonious with their location and appropriate to the area including in terms of scale, form and siting. I also find that the proposal complies with those policies of the Framework which seek to ensure that development is visually attractive and sympathetic to local character.

Other Matters

12. The site is within White Street Green's settlement boundary where, having regard to policy SP03 of the JLP, the principle of development is established. In the light of this policy, the Council have raised no objections, in principle terms, to a single dwelling in the proposed location. I have no reason to disagree.

13. The site is located outside, but is within the setting of, the Dedham Vale National Landscape. In respect of this designated landscape, I am mindful of the duties imposed upon me to seek to further the purposes of this designation, which includes conserving and enhancing its natural beauty. Reflective of this, the Framework places great weight upon the conservation of these landscapes.
14. Upon completion of the development, a single further dwelling would be introduced to White Street Green. Set amongst other residential properties, the proposal would integrate into the established built-up form of the settlement and result in no incursion into the countryside. Therefore, the proposal would form a sympathetic addition to the landscape. Consequently, whilst the development would take place within its setting, I am satisfied that the designated landscape would be conserved.
15. Vehicular movements associated with the single dwelling proposed would be low. Furthermore, the proposed access, driveway and parking spaces are to be positioned to the south-west of the neighbouring property Newhouse with an area of garden proposed on the intervening land. For this reason, the occupiers of Newhouse would not be harmfully affected by vehicle movements associated with the development.
16. Three parking spaces are proposed to serve the two-bedroomed dwelling. This parking provision is adequate, and it should be sufficient to prevent inconsiderate parking taking place elsewhere.
17. Existing fencing, and planting closely beside it, already have a strong enclosing effect upon the front of Newhouse. Given the proximity of these features to Newhouse's front elevation and, given Newhouse is positioned to the north of them, I expect that they will also be limiting light levels entering that property. Given these existing circumstances, the landscaping scheme proposed would not result in harmful effects upon the living conditions of the occupiers of Newhouse.
18. Although public representations raise concern with the access visibility splays being achieved, the Council has indicated that they would be deliverable even if some landscaping would be required to be removed within them. I have no substantive reasons to disagree. Finally, although the appellant has cited some personal circumstances, these have not had a bearing upon my decision.

Conditions

19. I have had regard to the Council's suggested conditions and the comments of the appellant upon them. For clarity, I have amended some of the Council's suggested wording.
20. I have imposed standard conditions concerning commencement and compliance with the submitted plans which are necessary in the interests of certainty. I have restricted the list of approved plans to those which it is necessary for the development to comply with.
21. Conditions relating to the vehicular access arrangements, including to ensure appropriate visibility, surfacing, gradient and drainage, are necessary in the interests of highway safety. Two conditions relating to the provision of the vehicular access are pre-commencement conditions. This is necessary as an appropriate access arrangement must be in place before the main construction

and demolition phase of the development ensues. The visibility splay referenced in my conditions is informed by the comments of the Highway Authority. Given the likely vehicle speeds in the area, and the stopping sight distances, I have no reason to conclude that the cited visibility splays are incorrect. A condition to ensure adequate parking provision is necessary to prevent on-street parking taking place to the detriment of highway safety.

22. To maximise the opportunity for sustainable transport modes to be used by the occupants of the development, I have imposed a condition relating to the provision of cycle storage. A condition to ensure the appropriate use of materials is needed to protect the character and appearance of the area. Also in the interests of the character and appearance of the area, and to prevent obstructions within the highway, I have imposed a condition regarding bin storage and bin presentation. The details of the means of enclosures shown on the plans are imprecise. In the interests of the living conditions of neighbouring occupiers I have therefore imposed a condition in this regard.
23. The Council has suggested the removal of a range of permitted development rights. The Planning Practice Guidance advises that the imprecise or unjustified removal of freedoms to carry out domestic alterations to properties will unlikely meet the tests for imposing conditions. However, the shape of the site is such that there is the potential for certain development - outbuildings, hard surfaces and means of enclosure - to be unsympathetically positioned given the land's relationship with Newhouse. In such circumstances I find the removal of some permitted development rights is justified in this case, but I have limited this to just those three forms of development.

Conclusion

24. The proposed development accords with the development plan, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location and Block Plan 2020194/01 Rev D
As Existing Site Layout 2020194/02 Rev A
As Proposed Site Layout 2020194/03 Rev E
As Proposed Plan and Front Elevation 2020194/04 Rev E
As Proposed Elevations 2020194/05 Rev A
Proposed Block Plan with Visibility Splays 2020194/06 Rev A
- 3) No development shall take place until details of the means to prevent the discharge of surface water from the site onto the highway and the means to dispose of that surface water have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
- 4) No development shall take place until details of the surfacing materials of the vehicular access have been submitted to and approved in writing by the local planning authority. The details submitted shall ensure that, for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, the access shall have a bound surface material. Development shall be carried out in accordance with the approved details.
- 5) No other development hereby permitted shall take place until the vehicular access has been completed in accordance with the details shown on plans 2020194/06 Rev A, 2020194/03 Rev E and 2020194/01 Rev D. This shall include the provision of the depicted visibility splays (where the X dimension is 2.4 metres and the Y dimension is 60 metres to the east and west) which shall provide clear visibility at a height of 0.6m within the visibility splay areas.

Once provided, and notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 6) The gradient of the vehicular access shall not be steeper than 1 in 20 for the first 5 metres measured from the nearside edge of the highway, and the remaining driveway, turning area and parking spaces shall not be steeper than 1 in 12.
- 7) No development involving the erection of any sections of the external walls or roof of the dwelling hereby permitted shall take place until details of the materials to be used in the construction of the external walls and roof have been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved details.

- 8) The dwelling hereby permitted shall not be occupied until the 3 parking spaces and associated turning area has been completed in accordance with plans 2020194/06 Rev A, 2020194/03 Rev E and 2020194/01 Rev D. Thereafter, the parking spaces and turning area shall be retained as such.
- 9) The dwelling hereby permitted shall not be occupied until cycle storage has been provided to serve it in accordance with details that have first been submitted to and approved in writing by the local planning authority. The cycle storage shall be retained thereafter.
- 10) The dwelling hereby permitted shall not be occupied until the bin store and hardstanding bin presentation area have been completed in accordance with plan 2020194/03 Rev E. Thereafter, the bin and presentation area shall be retained as such.
- 11) The dwelling hereby permitted shall not be occupied until any means of enclosure have been completed in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2 Part 1 Classes E and F and Part 2 Class A, other than that expressly authorised by this permission, shall take place without express planning permission having first been granted by the local planning authority.