

Appeal Decision

Site visit made on 11 June 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/D3505/D/23/3335770
Fairwinds, 7 Folly Lane, Copdock IP8 3JQ

- 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 Mrs Penny Smith against the decision of Babergh District Council.
 - The application Ref DC/23/03746, dated 6 August 2023, was refused by notice dated 5 October 2023.
 - The development proposed is erection of rear garaging/garden room including new block paved driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development is provided in a more succinct form in the decision notice. Therefore, the above description reflects this amended description.
3. 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 previously adopted policies and, therefore, I have had regard only to relevant policies from the adopted development plan.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

5. The appeal property is a detached single storey dwelling located in a row of similar properties in a semi-rural location. The dwellings are laid out on generous linear plots with large rear gardens.
6. The Council raises concerns about the principle of the proposal with regard to Policy SP03 of the JLP, because for the purposes of the policy the appeal property is in the countryside outside a settlement boundary. The policy has two main objectives, referred to in the supporting text, which are to

accommodate development in settlements where the need to travel can be reduced; and to safeguard the intrinsic character of the countryside.

7. The proposed outbuilding in this case cannot reasonably be said to have a direct bearing on the first objective as it would be within an existing residential curtilage and incidental to the established use of the dwelling. Moreover, the Council indicates that permitted development rights for the erection of buildings incidental to the residential use were restricted at the appeal property in the interests of the amenity of the locality and to safeguard local distinctiveness. Consequently, for these reasons, it is reasonable that the principal consideration in this case is the effect of the proposal on character and appearance, as reflected in the main issue.
8. The large rear garden is laid to grass without any structures in it. The appeal property and neighbouring dwellings predominantly have low fences delineating the side garden boundaries, which gives the area to the rear of properties an open, spacious and tranquil character and appearance. There are, however, a number of relatively large outbuildings within neighbouring gardens. As such, an outbuilding in No 7's rear garden would not be an uncharacteristic feature.
9. The proposed building would extend across the full width of the garden and would not, therefore, be an insubstantial structure in this regard. However, it would be single story with a flat-roof and open middle section and positioned at the end of the large garden in front of mature trees. For these reasons, it would not have such an undue presence that it would result in material harm.
10. The proposal includes a new block paved driveway that would run from the existing parking area to the side of the dwelling the full length of the garden to the front of the proposed building, providing access to the three garage spaces. There are examples of detached garages to the rear of neighbouring properties, but these are directly behind the dwellings, rather than at the end of the garden as proposed here. The vehicle movements associated with the use of the three garage spaces would, therefore, be uncharacteristic of the surrounding area. Moreover, the use of the full length of the garden for such movements and parking would be readily apparent to neighbouring residents, contrary to the otherwise open and relatively tranquil character of the rear gardens. As such, the garages and driveway and their associated use would be incongruous features in this location, resulting in material harm to the area's character and appearance.
11. I have had full regard to the appellant's contention that the building is needed to enable wheelchair access to the garden room in the new building that will provide daily sunlight. However, the garden room is only a minor part of the overall building with the garages and access driveway being the predominant element. Therefore, the current proposal is not the only form an incidental building might take to achieve these objectives. For this reason, this matter does not outweigh the harm that has been found. The fact that neighbouring residents did not object does not weigh in favour of the proposal, but rather is a neutral factor.
12. Therefore, for the above reasons, I conclude that the proposal would have a materially harmful effect on the character and appearance of the appeal site and the 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.

Other Matters

13. I have had regard to the representation from the Parish Council concerning the effect of use of the driveway on neighbouring residents. Based on my observations at the inspection, I agree that the proximity of the driveway to the neighbouring property, 'The Oaks', and the wider visibility of the garden to the rear, would result in disturbance from vehicle headlights and engine noise. These effects would be particularly apparent during the summer months when residents would be likely to be outside. Consequently, the proposal would have an unacceptably harmful effect in this regard, particularly on the reasonable use and enjoyment of neighbours' gardens.

Conclusion

14. For the reasons given, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR