



Appeal Decision

Site visit made on 6 June 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/D3505/W/23/3325891

20 Tye Green, Glemsford, Suffolk CO10 7RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martin Hedges against the decision of Babergh District Council.
 - The application Ref is DC/23/01486.
 - The development proposed is single storey dwelling to the rear of the garden of 20 Tye Green using the present highway access after demolition of a recently constructed annexe to 20 Tye Green.
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Decision

1. The appeal is allowed and planning permission is granted for single storey dwelling to the rear of the garden of 20 Tye Green using the present highway access after demolition of a recently constructed annexe to 20 Tye Green, at 20 Tye Green, Glemsford, Suffolk CO10 7RH, in accordance with the terms of the application, Ref DC/23/01486, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application sought outline planning permission with all matters reserved. I have determined the appeal as such, and any details in relation to the reserved matters have been considered on an illustrative basis.
3. The appeal site is within the Glemsford Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
4. The Babergh and Mid Suffolk Joint Local Plan – Part 1 – November 2023 (the JLP) was adopted following the Council's decision on the application subject to the appeal. The JLP supersedes the policies of the Babergh Local Plan (2006) and Babergh Core Strategy (2014), that are referenced in the Council's decision notice. The superseded policies are no longer part of the development plan and have no weight in determining this appeal. The Council has provided copies of the JLP policies that are relevant to the appeal and the main parties have been given the opportunity to comment on their implications. I have taken account of any comments received in my decision.
5. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023. However, there are no material changes relevant to the substance of the appeal.

Main Issue

6. The main issues are:

- whether the appeal site is a suitable location for residential development having regard to the character and appearance of the area, including whether the proposal would preserve or enhance the character or appearance of the CA;
- the effect of the proposal on the living conditions of nearby occupiers; and
- the effect of the proposal on highway safety.

Reasons

Whether a suitable location

7. No 20 Tye Green is a semi-detached house facing on to the B1065, a key north-south route through Glemsford. The house sits behind a mature boundary hedge, with a gravel area in front serving as parking.
8. The site lies within the CA, which is characterised by ribbon development either side of the B1065 and encompasses some areas along adjoining roads. The CA is predominantly formed of residential development with soft landscaped front gardens facing the main routes. It also includes shops, schools and public houses, and is interspersed with green areas of public open space, particularly near to key road junctions. Buildings in the CA vary in age but predominantly feature traditional architecture, including some historic listed buildings. The CA's significance lies in its traditional verdant village character, the predominance of residential development along its main routes, and the traditional appearance of its buildings.
9. No 20 Tye Green has a large rear garden, divided into two areas. The principal garden, near the house, is lawned and landscaped, while the rear portion of the garden lies beyond a hedgerow and is comparably overgrown and unmaintained. The rear portion broadly corresponds to the site boundary for the proposed dwelling. The existing single-storey side extension would be demolished for the access route to the proposed dwelling, which would run along the northern side boundary. Other than this, the principal garden area would be largely retained.
10. The Council believes the site is not well-related to the existing pattern of development, considering it backland development with no clear relationship to the surrounding area. The Council adds that the site is isolated to the rear of the dwelling, with no clear relationship or connection with the streetscene or surrounding area.
11. Although the B1065 is generally fronted by development, the prevailing pattern of development along it is not linear. At my visit I observed several nearby examples of development accessed from the B1065 but set back from the main street frontage, and in some cases behind other dwellings.
12. The Council notes that such examples were not determined under current planning policy and that some cases are not within the CA. Nevertheless, I observed several examples of development within the CA displaying similar

characteristics to the appeal proposal. Thus, I do not find the proposal alien or uncharacteristic for the area.

13. The Council argues the proposed dwelling would not contribute to the character of the area, appearing cramped and overdeveloped. However, the proposal is submitted in outline form with all matters reserved, with matters including the scale and layout not under current consideration. The site area is broadly comparable to that of many other dwellings in the area, with sufficient scope to accommodate a dwelling and necessary infrastructure such as parking and a reasonably sized garden. Moreover, the proposed single storey height would be compatible with the closest neighbouring dwellings.
14. Whilst I note the Council's concerns regarding potential precedents, I am required only to consider the proposal on its individual merits and any future proposals must be considered in the same manner. The characteristics of the proposal before me would be compatible with the established character of the area.
15. The Council advertised the proposal as affecting the setting of the Grade II listed buildings of 17 and 19 Tye Green. Due to the separation distance and limited intervisibility between the two sites, I am satisfied that the proposal would have no material effect on the setting of the listed buildings.
16. For the reasons given above, the appeal site is a suitable location for residential development in terms of the character and appearance of the area. For these same reasons, the proposal would not harm the character or appearance of the CA and would preserve its significance. The proposal would therefore accord with Policies SP03 and LP24 of the JLP which, in respect of this issue, establish the principle of development within settlement boundaries in accordance with the relevant policies of the JLP, seek for development to respond to the wider townscape and to safeguard historic assets/environment and natural and built features of merit, and for development to be compatible and harmonious with its location. In respect of this issue, it would also accord with the relevant provisions of the Framework, which have similar aims.

Living conditions

17. The proposed access route would pass No 20 Tye Green and its garden. The Council is concerned that the associated movements would harm the living conditions of these occupiers, and the neighbouring properties to the north, through noise and disturbance, particularly at unsociable hours.
18. Although the detailed layout of the proposed development is not known at this stage, the access route would be of sufficient width that a reasonable degree of separation could be retained between No 20 Tye Green and passing vehicles and pedestrians accessing the proposed dwelling. The arrangement is not dissimilar to other developments in the area. Given the proposal is for a single dwelling only, I am not persuaded that the frequency of movements would generate a level of activity that would harm the living conditions of the occupiers of No 20 Tye Green or the neighbouring properties to the north.
19. For the reasons given above, the proposal would not harm the living conditions of nearby occupiers and would accord with Policy LP24 of the JLP which, in respect of this issue, seeks to protect the health and amenity of occupiers. It

would also accord with the relevant provisions of the Framework, which have similar aims.

Highway safety

20. The Council raises concerns that, as the proposed dwelling would share the existing access with 20 Tye Green, the access would be intensified, and the proposed arrangement may result in highway safety impacts were vehicles to meet.
21. The proposal seeks outline planning permission with all matters reserved, including access. While the submission suggests using the existing access to the site, the specific access arrangements are not under consideration at this stage. However, I am provided with no substantive evidence – nor did my observations on site suggest – that a safe and suitable access from the B1065 could not be provided for both the existing and proposed dwellings.
22. To my mind, one additional dwelling would not give rise to a level of vehicle movements that would cause conflicts between the two dwellings or with vehicles on the public highway. The Framework directs that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I have no evidence to suggest such harm would occur, and I note the Council's highways consultee did not object to the proposal.
23. For the reasons given above, the proposal would not result in harm to highway safety and would accord with Policy LP29 of the JLP, which seeks for development to demonstrate safe and suitable access for all, and for significant impacts on highway safety or the function of the highway network to be mitigated. It would also accord with the relevant provisions of the Framework, which have previously been set out.

Conditions

24. The Council has provided a list of suggested conditions that I have considered against the tests set out in the Framework and the Planning Practice Guidance (PPG). To ensure compliance with the tests I have amended, and in some cases omitted, certain conditions.
25. Conditions relating to the timescales for the submission of reserved matters and the commencement of development, and to specify the approved drawings, are necessary in the interests of certainty.
26. A condition restricting the dwelling to be single-storey is necessary to protect the character and appearance of the area and the living conditions of nearby occupiers.
27. A condition requiring the implementation of the approved landscaping scheme is necessary in the interests of the character and appearance of the area.
28. Conditions requiring the submission of details of cycle storage, electric vehicle charging points, arrangements for the storage and collection of refuse, and a scheme for the disposal of surface water are necessary in the interests of promoting sustainable transport and highway safety.

29. A condition requiring the submission of a biodiversity enhancement strategy is necessary to secure biodiversity enhancement in accordance with the development plan.
30. A condition has been suggested to remove permitted development rights to undertake further enlargements, alterations and other associated development to the approved dwelling. The PPG advises that the removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. In this case, given the precise scale and layout of the development is yet to be established, I am not persuaded the imposition of this condition would be reasonable or necessary.
31. Given the limited scale of development, I do not find the Council's suggested condition restricting hours for construction and associated operations to be reasonable or necessary to protect the living conditions of nearby occupiers. In any event, other regulatory regimes exist to control disturbance through such activities.

Conclusion

32. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.
- 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the access, appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan, but only in respect of those matters not reserved for later approval:
Site Location Plan Ref: OI1590790
- 5) Before the development hereby permitted is commenced, details of provision for secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development hereby approved and retained thereafter for the storage of cycles.
- 6) Before the development hereby permitted is commenced, details of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development hereby approved and retained thereafter for the charging of electric vehicles.
- 7) Before the development hereby permitted is commenced, details of the arrangements for the storage and collection of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development hereby approved and retained thereafter for the storage and collection of bins.
- 8) Before the development hereby permitted is commenced, details of the means to prevent the discharge of surface water from the development onto the highway, including any system to dispose of the water, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.

- 9) Prior to commencement of any part of the development hereby approved above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. This shall include the following:
- a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved and retained thereafter.
- 10) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details forming part of the reserved matters shall be carried out in full during the first planting and seeding season following the commencement of the development or in such other phased arrangement as may be approved under the reserved matters. Any trees, hedges, shrubs or turf identified within the approved landscaping details which die, are removed, seriously damaged or seriously diseased, within a period of 5 years following their planting shall be replaced in the next planting season with others of similar size and species.
- 11) The dwelling hereby approved shall not exceed one storey in height.

**** End of conditions ****