



Appeal Decision

Site visit made on 22 October 2024

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2024

Appeal Ref: APP/F3545/D/24/3339628

22 Street Farm Lane, Ixworth, Suffolk IP31 2JE

- 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 Doncaster-Cole against the decision of West Suffolk Council.
 - The application Ref is DC/23/1310/HH.
 - The development proposed is described as "retrospective planning application for children's climbing frame".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While the climbing frame is already in situ, the proposal also includes a new 2.5m high fence on the rear boundary. I have therefore treated the proposal as part retrospective.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupants of 32 Street Farm Lane with regards to privacy, outlook, and general disturbance.

Reasons

4. 32 Street Farm Lane (No 32) is situated immediately to the rear of the appeal site and is at a lower level. It has a number of rear windows and an outdoor patio area very close to the boundary with the appeal site. This boundary is currently formed by a retaining wall with a low fence above and hedging behind, although the hedging no longer continues much past the climbing frame which rises notably above the fence.
5. Due to its height and proximity to the boundary, the climbing frame is highly prominent in the rear outlook and garden of No 32. As such, any activity on the raised platform will be within very close sight and sound of the neighbouring occupants who have indicated that they find this disturbing. The raised platform also allows its users to look into the garden and rear windows of No 32. These views are more open and closer than the views from any existing windows. That this would mainly be from young children, does not diminish the loss of privacy and general disturbance experienced by the neighbouring occupants.
6. The proposed 2.5m high fence on the boundary would go some way to addressing the privacy concerns, and I note that this was initially

recommended by the planning officer. However, its cumulative height with the retaining wall would, in and of itself, have a dominant and imposing presence in the rear outlook and garden of No 32.

7. There may be other ways of making the development acceptable, but it is not for me to make suggestions. Nor is it appropriate to leave this to planning conditions due to the level of uncertainty over the nature and effectiveness of any potential mitigation.
8. A number of representations were received in support of the development, highlighting the benefits of outdoor play for children. However, it is likely that the same or similar benefits could be achieved by a less harmful development at the site, so I attach limited weight to this matter.
9. Policy DM24 of the Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document 2015 (the LP) states that development within the curtilage of dwellings will be permitted, provided the proposals will not adversely affect the residential amenity of occupants of nearby properties. For the reasons set out above, I find that the proposal is harmful to the living conditions of the occupants of 32 Street Farm Lane, and so, does not comply with this policy. There is also conflict with the National Planning Policy Framework in respect of achieving a high standard of amenity for existing and future users.

Conclusion

10. The proposal conflicts with Policy DM24 of the LP and therefore with the development plan as a whole. Material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR