



Appeal Decision

Site visit made on 19 November 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 4th December 2024

Appeal Ref: APP/X3540/W/24/3340693

2 Mill Lane, Trimley St Martin, Suffolk IP11 0RN

- 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 S Lee against the decision of East Suffolk Council.
 - The application Ref is DC/23/3934/OUT.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, I have taken the description of development above from the planning application form, removing wording that does not form an act of development.
3. The application was made in outline, with all matters reserved for future consideration. Plans depicting the access, layout, landscaping and appearance were submitted with the application for illustrative purposes, and I have considered them on that basis only.
4. The appeal site is located within the Zone of Influence of a number of European sites. The Council's third reason for refusal refers to the lack of relevant information in this regard. However, the Council has confirmed that sufficient information has now been provided and the matter is no longer in dispute. However, as I have a legal duty under The Conservation of Habitats and Species Regulations 2017 (as amended) I will return to this matter later in my decision.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 2 Mill Lane with regard to light.

Reasons

Character and appearance

6. The appeal site comprises an area of garden, a driveway and a single detached garage that currently serve the occupiers of 2 Mill Lane. No 2 is a two storey detached dwelling which sits at the end of a row of four detached dwellings.

7. Other than the Trimley Methodist Church building located adjacent to the appeal site to the southwest, Mill Lane is residential in character and contains a mixture of dwelling types which are generally two storey and either detached or semi-detached. The appeal site is not subject to any heritage designations.
8. The width of plots of detached dwellings, within the vicinity of the appeal site are fairly regular in size, the pattern of which contribute to the character of this part of Mill Lane. The current width of No 2's plot is wider than the three detached dwellings adjacent. However, this arrangement provides for a garden space to the side of the dwelling, which compensates for the limited rear garden depth, which is substantially less than those adjacent and in the surrounding area along Mill Lane.
9. There are limited gaps between built form and the side boundaries on the existing plots in the vicinity of the appeal site. However, the proposed plot would be narrower than the plots of the detached dwellings that are situated in the surrounding area. As a result of the size constraints of the site, any dwelling would have a much smaller footprint and would be noticeably narrower than those of the detached dwellings around it.
10. The proposal would also reduce significantly the amount of external space associated with No 2, leaving it with a private garden space much smaller than those in the immediate vicinity along Mill Lane. The amount of private garden space that could be achieved at the appeal site would also be limited, given the dimensions of the proposed plot. Consequently, the resultant private garden spaces would be out of keeping with the pattern of development in this area.
11. In my view, for the above reasons, it is inevitable that a 1.5 storey detached dwelling, such as that shown on the illustrative details, would appear as a cramped form of development which would look incongruous within its immediate surroundings. Whilst I note that detailed matters would be resolved at the reserved matters stage, based on the evidence before me, it has not been demonstrated that a dwelling could be sited on the appeal site without causing harm to the surrounding pattern of development and the street scene.
12. The appellant has provided details of a two storey extension that would be attached to the side of No 2, on part of the appeal site, that has recently been granted planning permission by the Council. However, given the set back position and the connection with the existing dwelling, this scheme would clearly appear as an extension and part of the existing dwelling, rather than appearing as a new dwelling. Significantly more garden area would be retained for No 2 compared with the appeal proposal before me. As such the extension would not result in the same harm that I have identified above, and I therefore give very limited weight to it as a fallback position.
13. I therefore find that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policies SCLP5.7 and SCLP11.1 of the Suffolk Coastal Local Plan Adopted 23 September 2020 (LP). These policies seek, amongst other things, that proposals for infill development within existing gardens do not result in harm to the street scene or the character of the area and that developments are locally distinctive. The proposal would also be contrary to Paragraph 135 of the National Planning Policy Framework for the same reasons.

Living conditions

14. No 2 has a ground floor set of glazed doors in the rear elevation which appeared to serve a habitable room during my site visit. The glazed doors would be located in close proximity to the proposed new side boundary. Given the limited width of the proposed plot, it is likely that any built form would also be located in close proximity to the proposed new side boundary, leaving only a small gap between the new built form and the existing glazed doors. Without any substantive evidence to the contrary, I consider that the proposal would be likely to result in a reduction in the amount of light reaching the glazed doors, particularly later in the day.
15. I accept that the actual siting of the proposed dwelling would be dealt with at the reserved matters stage and that the layout provided is only illustrative. However, the need for off-street parking does somewhat limit how far forward the front building line could be located. It is suggested that an integral parking arrangement could be utilised to overcome this issue, but no evidence has been provided on how that might work in practice.
16. I note that the approved scheme for a two storey side extension may also have an impact in this regard, bringing two storey built form in close proximity to the existing glazed doors. Nevertheless, the extension would benefit the occupiers of No 2 and the living arrangements shown on the ground floor layout identify that the room served by the glazed doors would be opened up to form an open plan kitchen and breakfast room with additional large windows serving the wider space.
17. I therefore find, based on the evidence before me, that it has not been demonstrated that there would be no harmful effect on the living conditions of the occupiers of No 2, with regard to light reaching the glazed doors located in the rear elevation. The proposal is therefore contrary to Policies SCLP5.7 and SCLP11.2 of the LP. These policies seek, amongst other things, that proposals do not result in significant harm to the residential amenity of existing or future occupants.

Other Matters

18. The appeal proposal would contribute one smaller home to the housing supply. It is stated that it would offer something different to the family sized dwellings being constructed in the area by providing the opportunity for simple modern living, with a small garden area which could be easily maintained. The proposal would also provide economic benefits during the construction phase and after with future occupants supporting local facilities and services. The appeal site is located within a settlement and the appellant asserts that a range of services and facilities would be accessible by walking, along with a regular bus service to Felixstowe. However, given the limited scale of the proposal any benefits would be modest.
19. The appellant asserts that sufficient off-street parking would be provided for the proposed dwelling and No 2. Policy compliance in this respect would not weigh in favour of the proposal.
20. The appeal site is located within the Zone of Influence of multiple European sites including the Sandlings Special Protection Area (SPA), Deben Estuary SPA and Ramsar Site, Alde-Ore Estuary SPA and Ramsar Site, Stour and Orwell

Estuaries SPA and Ramsar Site and Orfordness-Shingle Street Special Area of Conservation. These sites are designated as being of international importance for their nature conservation interest.

21. The justification text for Policy SCLP10.1 of the LP identifies that developments that come forward within the plan period can have an impact on European sites, primarily in relation to an increase in disturbance to wildlife linked to people walking dogs along with increased recreational use of estuaries from water based activities. However, given I am dismissing the appeal on the main issues identified, I am not required to consider this matter further.

Conclusion

22. I conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR