



Appeal Decision

Site visit made on 15 January 2025

by **M Woodward BA (Hons) PgDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/D3505/W/24/3352651

26 Olivers Close, Long Melford, Sudbury, Suffolk CO10 9ES

- 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 Peter Boggis against the decision of Babergh District Council.
 - The application Ref is DC/24/01645.
 - The development proposed is described as 'proposed new single storey dwelling with associated parking and garaging'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the planning application form and used this in the banner heading above. I recognise that the application was submitted in outline form with all matters reserved and I have dealt with the appeal on this basis. I also understand that the proposal relates to a self-build dwelling. I return to this later in my decision.

Main Issues

3. The main issues in this case are:
 - Whether the scheme would achieve a well-designed place, having regard to the impact on the character and appearance of the area, the living conditions of potential future occupiers and parking arrangements.
 - Whether the requirements of biodiversity net gain are relevant to the appeal scheme and, if so, whether such requirements are met.

Reasons

Design

4. Olivers Close comprises a series of connected roads, mainly composed of modestly sized bungalows and semi-detached houses which exhibit a regular, uncomplicated style. Properties are mostly fronted by small garden plots, bordered by a mix of boundary treatments, including hedge planting. Small grassed amenity spaces and highway verges are present throughout the estate. It is these characteristics, along with the relationship of dwellings and their associated plots relative to the street, which contributes to the local character.

5. Details of the dwelling's design, appearance, layout, landscaping and access are reserved for future determination. However, whatever the dwelling's final form and appearance, it would be constrained by the existing built form associated with No 26 on one side and a grassed area of amenity space located in between the plot and Olivers Close on the opposite side. These urban features, coupled with the proposal's rear garden position, would impede meaningful engagement with the street.
6. This is evidenced by the submitted indicative site plan, which shows that pedestrian access to the dwelling would be taken from the existing narrow footpath which runs in between housing. When combined with the small size of the proposed plot, and the boundary fencing located along the length of the footpath, the scheme would fail to create a positive sense of arrival and place. Even if access to the plot was taken from another point along the boundary, the proposal's lack of engagement with the street would be at odds with the prevailing pattern of housing, which exhibits active frontages, where front doors and plot entrances are clearly legible.
7. There would be adverse visual impacts too due to the proposed dwelling's off-set and rearward position relative to the bungalows associated with Nos 40 and 42 Olivers Close. Whilst its single-storey height and overall modest scale would go some way to mitigating these impacts, the dwelling would nevertheless be visible from the street, appearing as an anomalous addition, out of step with the linear and well-defined pattern of housing on Olivers Close.
8. I acknowledge that there would be opportunities to better assimilate the scheme with its surroundings through detailed design at reserved matters stage, including the adoption of sympathetic architecture, materials and landscaping. Be that as it may, none of the foregoing opportunities would be sufficient to compensate for the proposal's shortcomings in relation to its location and composition. In short, it would not positively address, nor visually integrate, with the street.
9. In relation to other points raised, whilst parking would be provided off-plot and away from the appeal site, any failure to adhere to adopted parking standards would not necessarily equate to unacceptable highway safety impacts. As the Council provide no detailed evidence to support this assertion, I do not find the parking arrangement as proposed to be unacceptable.
10. In relation to the potential for occupiers of No 26 to overlook the proposed dwelling and garden, additional landscaping could be provided within the appeal site, with details secured by planning condition. However, even if the privacy of future occupiers of the proposed dwelling could be adequately protected, it does not detract from my overall findings concerning the scheme's failure to relate positively to its local context and the character and appearance of the area.
11. For these reasons, the proposal would not achieve a well-designed place and would harm the character and appearance of the area, contrary to Policies LP24 of the Babergh and Mid Suffolk Joint Local Plan 2023 (Joint Local Plan) and LM8 of the Long Melford Neighbourhood Plan (NP) which requires, amongst other things, that development is of high-quality which positively contributes to its context, local character, and the shape and scale of the area. The proposal would also conflict with paragraph 135 of the Framework which requires development to be visually attractive as a result of good architecture and layout, be sympathetic to local

character and establish a strong sense of place to create attractive, welcoming and distinctive places to live.

Biodiversity Net Gain

12. Whilst it is the case that self-build/custom dwellings¹ are exempt from Biodiversity Net Gain (BNG) requirements, and the appellant states that the proposed dwelling would be self-build, there is no robust mechanism proposed (such as a S106 legal agreement) to secure it. Reserved matters deal with only certain aspects and it is the outline proposal which establishes the principle of development. Therefore, I have no certainty that the dwelling as constructed would comply with the relevant legislation and self-build definition. On that basis, the proposal would not be exempt from BNG.
13. Policies LP16 and SP09 of the Joint Local Plan require that, in relation to BNG, a minimum of 10% equivalent increase for biodiversity is necessary. There is no substantive evidence submitted alongside the appeal to demonstrate the baseline biodiversity at the site, nor how BNG would be achieved. Therefore, I find conflict with Policies LP16 and SP09 of the Joint Local Plan in this regard.

Other Matters

14. Other planning and appeal decisions are referred to by the appellant as relevant comparisons². However, they are in different locations in the district and involve different plot sizes, access arrangements and the baseline character and appearance of each site is not comparable. As the decision maker did in each of those respective cases, I have considered the proposal on its own planning merits having regard to the local context, which is informed by considering the character and appearance of the built form immediately surrounding the appeal site. Therefore, I attribute only limited weight to these cases.
15. The site is excluded from the definition of previously developed/brownfield land³ but it would nevertheless make a contribution towards the housing needs of the district in accordance with the NP and would lie in an accessible location within the settlement boundary of Long Melford. It would include low carbon/renewable technology along with electric vehicle charging points and cycle storage to promote sustainable travel.
16. However, in connection with a single dwelling, I attribute only limited weight to each of the benefits above. In combination, these benefits are insufficient to outweigh the harm I have identified and the overall conflict with the development plan. I would reach the same conclusions even if self-build status could be assured and the associated benefits were factored in, and BNG requirements had been addressed.

Conclusion

17. For these reasons, the appeal is dismissed.

M Woodward

INSPECTOR

¹ As defined in The Self Build and Custom Housebuilding Act 2015 (as amended)

² Appeal refs - APP/D3505/W/23/3325891, APP/D3505/W/23/3319696 and planning ref - DC/24/01311

³ See 'Previously Developed Land' definition of Annex 2 of the Framework