



Appeal Decision

Site visit made on 9 April 2025

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/W3520/W/25/3358559

Post Office, 7 Church Street, Eye, Suffolk IP23 7BD

- 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 RVH Commercial Properties Limited against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/03878.
 - The development proposed is construction of dropped kerb, removal of outbuildings and boundary wall to facilitate off-street parking and erection of 1.8m close boarded boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal statement provides an amended layout of parking spaces, setting each at an oblique angle, rather than all but one at ninety degrees as originally shown. This would encourage cars, entering Dove Lane from Church Street, to reverse into the spaces. In the application plans the four spaces would likely to have involved cars reversing out, with limited visibility of approaching traffic.
3. The Council raises a concern that this amendment seeks to evolve the scheme through the appeal process and, as a fundamental change, should be rejected under the principles established by *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the well-known *Wheatcroft* ones. Without prejudice, the Council continues to raise concerns about this revised parking arrangement, whilst the local highway authority has not responded to the appeal. I deal with the amended proposals in more detail below.

Main Issues

4. The main issues in the appeal are (i) the effects of the proposal on highway safety and (ii) whether this would preserve or enhance the character or appearance of the Eye Conservation Area (CA).

Reasons

(i) the effects of the proposal on highway safety

5. The appeal property fronts Church Street and provides ground floor retail units and upper floor residential accommodation. It has rear access from Dove Lane, serving a garage with entrance doors opening directly onto this 'access only' road. Dove Lane runs between Church Street and Wellington Road. It is of varying, rather

narrow width, with development abutting directly on both sides. No traffic survey is provided, but the nature of Dove Lane would clearly constrain levels of vehicular usage and speed.

6. The proposal involves removing the garage building, the remaining parts of the roadside wall and an oil tank set on blockwork. Along with the open parts of this back yard, including an already demolished single storey rear addition, this enlarged area would provide parking spaces for four cars and motorcycles/bicycles as well as bin storage space, all served by an extended dropped kerb along Dove Lane. The local highway authority maintains a holding objection over the entrance width not meeting its dropped kerb criteria for new access points.
7. The existing garage indicates the principle of vehicular access and parking in the site to be historically acceptable. However, there is no such precedent for the rear garden of No 7 accommodating parking for as many as four vehicles. The appellant acknowledges that, as originally proposed, these would have to reverse out of the spaces onto Dove Lane, with limited visibility of approaching traffic. The amended parking bays could be more safely reversed into, with better visibility of any approaching cars, cyclists or pedestrians when then departing in a forward gear. Cars might be more inclined to exit Dove Lane via Wellington Road, to avoid the more complex manoeuvre of turning left towards Church Street.
8. The tightly arranged development in historic town centres often means essential access arrangements not always meeting contemporary highway standards. However, Dove Lane lacks the width, visibility or pedestrian separation necessary to support a significant increase in its vehicular use. The four spaces proposed would result in the appeal site generating significantly more vehicular movements than the existing garage. Even accepting the safer layout put forward, the four spaces proposed would be contrary to the safe use of Dove Lane, particularly for cyclists and pedestrians. For these reasons, this proposal would conflict with policy LP29 of the Joint Local Plan¹ (JLP), the Eye Neighbourhood Plan and paragraphs 115(b) and 116 of the National Planning Policy Framework (the Framework), insofar as these relate to highway safety and securing safe and suitable access for all users.

(ii) whether the proposal would preserve or enhance the character or appearance of the CA

9. The CA defines the older, central parts of the small market town of Eye. Its significance relates to the medieval development pattern around the town's castle and marketplace, and the many historic buildings that help define this. Dove Lane is a confined back street, reflecting a typically tight grain of historic development within the town centre. Its narrowness contributes to this, with its older buildings fronting hard onto the sides, providing an enclosed character to the location, lacking the more open views of principal streets.
10. No 7 contributes to this enclosed character with its outrigger parts, garden walls and outbuildings all fronting directly onto Dove Lane. The original outbuildings have, more recently, been reduced in extent and repurposed as garaging and boundary walling. Whilst of modest architectural interest, these structures contribute to the built pattern and appearance of the historic town centre. The

¹ Babergh and Mid Suffolk Joint Local Plan Part 1 November 2023

removal of the roadside wall and garage, to expose an open area of car parking, would reduce the enclosed appearance of the historic surroundings, harming the significance of the CA. This might offer clearer views of the rear façade of the adjacent 17th century listed building at No 9 and of the side of the nearby Baptist Church. However, this would not compensate for the loss of enclosure which forms part of the character of Dove Lane.

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 212 of the Framework advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
12. The proposal's harm to the significance of the CA, would be less than substantial and at a very low to low level in this regard. Framework paragraph 215 requires this be weighed against the public benefits of the proposal. The scheme's benefits are in the main private ones. The limited public benefits would not outweigh the very low to low level of less than substantial heritage harm, given the great weight that must be attached to this and the desirability of preserving or enhancing the character or appearance of the CA. Therefore, the harm to the CA resulting from this proposal conflicts with JLP Policy LP19 and the aforementioned parts of the Framework.

Conclusion

13. The incomplete works to the rear of No 7 currently detract from the character and appearance of the CA. However, removing the existing roadside walls and outbuilding, and giving over nearly the entire back garden to car parking, would not be justified to help remedy this situation. Material considerations do not indicate a decision otherwise than in accordance with the development plan, with which there would be conflict when considered as a whole. Consequently, I conclude that the appeal be dismissed.

Jonathan Price

INSPECTOR