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## Appeal Decision

Site visit made on 7 January 2025

**by B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date:** 30<sup>th</sup> of April 2025

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**Appeal Ref: APP/D3505/W/24/3351382**

**Land Adjacent 30 Collimer Close, Collimer Close, Chelmondiston IP9 1HX**

- 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 Mrs Catherine Shelbourne against the decision of Babergh District Council.
- The application Ref is DC/24/01404.
- The development proposed is new 3-bedroom dwelling, part single storey, part two storey.

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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mrs Catherine Shelbourne against Babergh District Council. This application is subject to a separate decision.

### Preliminary Matters

3. The appellant has provided a Community Infrastructure Levy (CIL) payment receipt during the appeal process. I have given the Council the opportunity to comment and I have taken account of any comments made in my determination of the appeal as necessary.
4. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.
5. As the site is within the Suffolk Coast and Heaths National Landscape (the SCH National Landscape) I have paid regard to my duty under Section 85 of the Countryside and Rights of Way Act 2000 (as amended) to seek to further the purpose of conserving and enhancing the natural beauty of the area.

### Background and Main Issues

6. The Council in its statement of case raised concerns regarding the effect of the proposed development upon the living conditions of 30 Collimer Close (No 30). Given that the appellant has responded to these concerns in their final comments submission it is reasonable for this to be assessed within the scope of the appeal before me. Therefore, the main issues are:
  - whether the proposed development would conserve and enhance the natural beauty of the SCH National Landscape; and

- the effect of the proposed development on the living conditions of the neighbouring occupants of No 30 with regard to outlook.

## Reasons

### *Natural Beauty of the SCH National Landscape*

7. The Framework states that great weight should be given to conserving and enhancing the natural beauty of National Landscapes, such as the Suffolk Coast and Heaths. The SCH National Landscape is described in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty Management Plan as comprising of a gently rolling landscape with the estuaries a common and dominant feature. Additionally, that where the land does rise, the commanding views across the landscape are rewarding.
8. The appeal site was once the side garden of No 30 and is located in the National Landscape. It is bounded by an open and rolling landscape which extends to the Orwell estuary to the rear of the appeal site and consequently occupies a prominent location within the landscape. No 30 is a single storey semi-detached dwelling located on Collimer Close (the Close). The Close is part of a housing estate dating from the 1960's which is characterised by single storey bungalows focused around a small green.
9. Considering that the appeal site is located in a corner of the close, it benefits from a relatively large plot size compared to others in the Close. The proposal would be viewed as a single storey dwelling from the Close and maintain the existing ridgeline of the bungalows. However, when viewed from a public bridleway and from the estuary located to the rear of the site, it would be viewed more obviously as a two-storey dwelling. Moreover, map 4b of the Chelpin Plan 2020-2036 illustrates significant views within the SCH National Landscape such as Pin Mill view. The appeal scheme would be seen as part of this significant view. Consequently, the two-storey rear element of the proposal would be prominent and inconsistent with the lower rise built forms seen on neighbouring buildings that address the landscape. There is a mature walnut tree which would partially obscure views of the plot from the north, however it would not prevent the harm I have identified in relation to the Pin Mill view.
10. The appeal scheme would therefore fail to assimilate with the overall single-storey character of the surrounding area and appear as an incongruous addition within the wider SCH National Landscape. There are examples of other two-storey dwellings along Rectory Field. The dwellings on Rectory Field are differently located and have their own relationship with the landscape. They are not of material relevance in this case.
11. A previous appeal granted permission<sup>1</sup> for a single storey bungalow at the appeal site has been cited as a fall-back position by the appellant. There is limited substantive evidence before me to adequately demonstrate that the previously granted permission has been implemented. Even if I was to accept the CIL receipt as evidence of the previous scheme being implemented, given that the previous permission was for a single storey development it would not result in greater harm than the two-storey element of the appeal scheme before me. Consequently, it would not justify the appeal scheme.

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<sup>1</sup> Planning Appeal Decision Ref: APP/D3505/W/20/3252460

12. The appellant refers to the previous appeal decision in which the Inspector stated that given the appeal site formed part of an established residential area the proposal would not harm the landscape and scenic beauty of the SCH National Landscape. This was determined in 2020 under a different policy context. Nevertheless, in their decision they refer to the proposed development assimilating with the design of the neighbouring dwellings. The two-storey element of the appeal scheme before me differs markedly from the development dealt with in the previous appeal decision. Consequently, whilst the principle of a dwelling on the appeal site would not result in harm, I have identified above the harm that would result from the two-storey element of the appeal scheme and consequently the harm to the SCH National Landscape.
13. The development off Woodlands has been cited by the appellant.<sup>2</sup> I do not have the full details of the circumstances which led to the approval of this development and therefore cannot be certain that it is wholly comparable to the appeal before me. However, this development is not in the same prominent location as No 30 nor in the same built context. Therefore, it does not justify the appeal scheme and nevertheless each application is determined on its own merits.
14. The appellant refers to paragraph 135(c) of the Framework, which outlines that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Whilst the appeal scheme does differ in design to the neighbouring built form on the Close it does not constitute appropriate innovation given the harm I have identified above.
15. In conclusion, the appeal scheme would not conserve and enhance the natural beauty of the SCH National Landscape. Consequently, it would conflict with Policies SP09, LP15, LP17 and LP24 of the JLP and Policy CP7 of the Chelmondiston Neighbourhood Plan 2020-2036. These policies seek, amongst other things, to ensure developments are of a high-quality design, respond to existing contexts including the prevention of visual amenity impacts, as well as conserving and enhancing landscape character including National Landscapes.

### *Living Conditions*

16. The appeal scheme is set back within the plot and therefore the appeal scheme would be visible from the rear garden of 30 Collimer Close. The two-storey element of the appeal scheme would result in a significant amount of built form above the 1.8m fence (annotated on the submitted elevation plans). The western elevation which would directly face No 30 includes an obscured glass 6ft panel.
17. There is limited built form along the boundary with No 30 and consequently the occupants of No 30 enjoy a reasonable level of outlook. Given the set back of the appeal scheme, the full length of the proposed dwelling would be visible from the rear window of No 30 as well as from its rear private amenity space. This, in conjunction with the height of the two-storey element of the scheme as well as its siting close to the boundary, would result in an overly dominant relationship and result in harm to the garden amenity space of No 30.

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<sup>2</sup> Planning Application Ref: DC/19/01634

18. The Council have not raised concerns regarding the occupants of No 30 and privacy. I find no reason to disagree.
19. In conclusion, given the above, the relationship of the appeal scheme with No 30 would result in harm to the living conditions of the occupants of No 30 with regard to outlook. It would therefore conflict with Policy 24 of the JLP insofar as it seeks to protect the health and amenity of occupiers and surrounding uses by avoiding development that, amongst other things, would be overbearing.

### **Other Matters**

20. The appeal site is within the zone of influence of the Suffolk Coast Rams and Stour and Orwell Estuaries Special Protection Area. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the Rams. However, as I am dismissing the appeal for the reasons given above, I do not need to conduct any further assessment in relation to either of the Suffolk Coast Rams and Stour and Orwell Estuaries Special Protection Area.
21. The lack of objections from the Parish Council and the National Landscape Team is a neutral factor in my determination of this appeal. The Council is not duty bound to follow consultee advice.
22. Interested parties have highlighted the ecofriendly design features of the appeal scheme as well as the possible flexible use of the property in the future. These do not outweigh the harm I have identified above.

### **Conclusion**

23. The proposal conflicts with the development plan, which amounts to conflict with the plan as a whole. There are no material considerations indicating that the appeal should be decided other than in accordance with it, including the application of policies in the Framework. For the reasons given above the appeal should be dismissed.

*B Astley-Serougi*

INSPECTOR