



Appeal Decision

Site visit made on 13 June 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th of July 2025

Appeal Ref: APP/F3545/W/25/3361097

5 Edmund Close, Haverhill, Suffolk CB9 9LN

- 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 Ms S O'Flaherty against the decision of West Suffolk Council.
 - The application Ref is DC/24/0770/FUL.
 - The development proposed is siting of garden studio structure in rear garden for use as tourist/guest accommodation, and extended car parking space at front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised proposed site plan (revision A) has been submitted with the appeal. This varies the layout of the three off-street car parking spaces proposed to the front of 5 Edmond Close (No 5) and indicates an area for the provision of cycle parking. The amended plan does not make a substantial difference to the layout or result in a fundamental change to the application, when compared to those upon which the Council made its decision. I am therefore satisfied that no party would be prejudiced by taking it into account.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide suitable living conditions for neighbouring occupiers, with particular regard to noise and disturbance;
 - whether the proposed development would provide adequate vehicle and cycle parking; and
 - whether the proposed development would result in any contamination risks.

Reasons

Character and appearance

4. Edmond Close (the close) is a narrow residential cul-de-sac, fronted by a mixture of detached, linked-detached and semi-detached dormer bungalows and two-storey dwellings. Materials primarily comprise brickwork or render facades and tiled roofs. The majority of the dwellings follow a linear alignment and are set behind similar

sized front gardens which contain driveways and off-street parking spaces, as well as gardens to their rear. Many of the dwellings on the close and within the wider locality have outbuildings located within their rear gardens. The close therefore has a cohesive character and appearance, informed by the prevailing linear form and consistency in materials, spacing and rhythm of development.

5. No 5 is a linked-detached dormer bungalow with a steeply pitched roof fronting the close, behind a front garden containing off-street parking spaces. A greenhouse is located within its rear garden which is enclosed by a hedgerow or close boarded fencing. As No 5 sits within a row of similar dormer bungalows, it contributes to a unified appearance to the close.
6. The proposed garden studio would have a large 'L' shaped footprint with a flat roof and grey colour steel sheet walls. It would be at odds with the modestly scaled outbuildings more often seen within rear gardens in the area. Furthermore, the appeal proposal includes the subdivision of the rear garden area with a fence and would be occupied independently as tourist/guest accommodation. This would result in a perceptible change in character of a reasonably spacious garden, to that of a tourist/guest accommodation that would have undue dominance within the rear garden of No 5. Whilst this change would be perceptible from neighbouring properties and would be at odds with the prevailing development pattern of the area.
7. Even though the size of the building means that levels of occupancy would be self-limiting, comings and goings to the building by individuals unrelated to the appellant, including their regular change over, would have the potential to be greater than those associated with the use of No 5 as a single-family unit. There would also be independent use of the respective gardens proposed to be created. These factors would result in a more intensive use of external areas when compared to the existing use as a garden and would further emphasise the change of function for occupiers of neighbouring dwellings. Whilst such use may be comparable to comings and goings of other homes on Edmund Close, particularly in instances where they are occupied by larger households, there would be no mechanism to prevent No 5 from being similarly occupied by a larger number of occupants in the future, adding to the harm identified.
8. There would be limited space remaining for additional planting to be effective and it would in any event take a significant period of time to mature. Even then, it would not, sufficiently mitigate the discordant effect of the appeal proposal.
9. The appellant would be willing to accept a condition to limit occupation to one individual at a time. The imposition of a planning condition in this regard would not meet the test of enforceability for the purposes of the six tests set out in paragraph 57 of the National Planning Policy Framework (the Framework), as it would be very difficult for the Council to detect a breach of such a condition. In any case, such a condition in addition to a condition requiring the occupation of the appeal proposal to be for tourist accommodation only and not permanent residential occupation would not overcome the harm resulting from the building and subdivision of the garden.
10. I conclude that the proposed development would result in harm to the character and appearance of the area. In this regard, it would conflict with Policy DM2 of the Joint Development Management Policies Document (2015) (DMPD) which requires

development to recognise and address key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of an area; to respect the character, scale, density and massing of the locality; and, not to involve the loss of gardens which make a significant contribution to the character and appearance of a settlement.

Living conditions

11. The appeal site is located in a quiet residential area. The external space proposed between the appeal building and neighbouring boundaries would be narrow. This would mean that external activity associated with the appeal proposal would most likely be focussed on parts of the appeal site located close to the shared boundaries with Bloomfield Court, 57 Downs Crescent (No 57) and 7 Edmund Close (No 7).
12. The appellant envisages that the majority of guests would be business people, visiting or seconded to work at local companies in the area for short periods. The scale of the appeal building would likely limit the number of people socialising. Even so, as it would be independently occupied by tourists/guests, the appeal proposal would intensify the use of the existing garden area. The increased number of comings and goings has the potential to generate increased levels of noise and disturbance including from traffic movements/vehicle engines and doors opening/closing. Furthermore, should the guests be holidaymakers, there would be an increased likelihood of guests sitting outside for prolonged periods or late at night, particularly during periods of good weather. Such activity is likely to be highly discernible for occupiers of Bloomfield Court, No 57 and No 7.
13. The appellant indicates that booking arrangements would mean that potential guests would be vetted, rules for occupation including quiet times and arrival and departure times could be set. The appellant further suggests they would be able to supervise guests and ensure good conduct, and the appellant would be keen to ensure compliance since they would also need to live alongside the proposed use. However, I am not satisfied that there are planning mechanisms available to secure the implementation and effectiveness of such measures, particularly since the owner of the site may change in the future. Additionally, I have no substantive evidence before me to suggest that additional landscape planting would be effective in mitigating the harmful effects identified.
14. I conclude that the proposed development would not provide suitable living conditions for neighbouring occupiers, with particular regard to noise and disturbance. In this regard, it would conflict with Policies DM2 and DM34 of the DMPD which require development to not affect adversely residential amenity, the amenities of the area or adjacent areas by reason of noise or vehicular activity generated.

Parking

15. Vehicle access to the appeal proposal would be via Downs Crescent which leads onto Edmund Close. Parking along these routes is unrestricted yet is constrained by their narrowness which effectively restricts parking to areas that do not obstruct access or the free flow of traffic. No 5 currently contains off-street parking for 2 vehicles and a garage space (3 spaces in total).

16. It is proposed to remove the dwarf wall and extend the hard surfacing within the front garden of No 5 to provide an additional space (4 spaces in total). There is no dispute between the main parties that the additional space is required. The revised proposed site layout plan indicates the provision of cycle storage and an additional vehicle parking space in accordance with the size requirements set out in The Suffolk Guidance for Parking Technical Guidance (2023). However, the local highways authority also suggest it has not been suitably demonstrated that vehicles can safely access the proposed vehicle parking spaces.
17. The vehicle parking spaces would be located opposite a small section of dwarf wall associated with a neighbouring dwelling on the opposite side of the close. In the absence of any substantive evidence to demonstrate otherwise, a series of manoeuvres would likely be required to park in the proposed spaces, even when accounting for the small lay-by area also located opposite the site. This would not be particularly easy or convenient for a driver given the limited space available. Furthermore, manoeuvrability would likely be compromised by existing parked vehicles and an existing lighting column. Whilst this column could potentially be relocated, I have not been provided with any evidence to confirm this. A condition limiting the number of guest vehicles could not be reasonably enforced and so would not address the harm identified.
18. I conclude that it has not been demonstrated that the proposed development would provide adequate vehicle parking. In this regard it would conflict with Policies DM2, DM34, DM46 of the DMPD and CS7 of the St Edmundsbury Core Strategy (2010) (CS) which require vehicle access and on-site parking to be provided to an appropriate standard, for proposals to provide appropriately designed and sited car parking and access for all.

Contamination

19. The appellant has advised that the proposed building would stand on shallow legs and feet above the ground, with no foundations. The appellant's Groundsure report, submitted with the appeal further indicates that no significant contaminated land concerns have been identified. Given that the existing use of the land is garden, I find no reason to disagree with these findings.
20. I conclude that the proposed development would not result in any contamination risks. In this regard, it would comply with CS2 of the CS and Policy DM14 of the DMPD which seek to avoid unacceptable risks from development known to be or potentially affected by contamination, require the remedying of contamination and prevention of further pollution arising from development proposals.

Other Considerations

21. The appellant refers to an emerging West Suffolk Local Plan and emerging Policy LP39 which relates to tourism development. The Council have not provided me with an update on the status of this plan. Even so, it is clear that there is general policy support for the provision of tourist/guest accommodation and the Council identified no harm in relation to the principle of development.
22. The appellant also indicates that the appeal site is located close to the town centre of Haverhill which is identified as the focus for larger scale tourism activities and overnight accommodation in accordance with the requirement to concentrate development at the most sustainable locations. The appeal proposal would provide

an income for the appellant, jobs during construction and support the local economy as occupiers would likely support local services, business and facilities including local tourist attractions. However, given that the proposal is for one unit, these associated benefits would be limited.

23. The appellant indicates that a similar building might be permitted development if it were to be used for a purpose incidental to the enjoyment of No 5. However, I have no substantive evidence before me, for example a lawful development certificate, to confirm this. Furthermore, the appeal building is not proposed to be used for incidental purposes and the proposed use would have a greater adverse effect on the character and appearance of the area, living conditions and parking provision, than a building constructed and used for incidental purposes. Therefore, I give the fallback position limited weight.
24. In the particular circumstances of this case, I conclude that the combined harm to the character and appearance of the area, living conditions and the lack of demonstration of a suitable parking provision, would be significant. The harmful impacts of the proposal would therefore outweigh the benefits, including support for tourism development, when assessed against the policies of the development plan as a whole.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR