



Appeal Decisions

Site visit made on 4 August 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal A Ref: APP/F3545/W/25/3365669

Land at 13A High Street, Clare, Sudbury, Suffolk CO10 8NY

- 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 David Orbell against the decision of West Suffolk Council.
 - The application Ref is DC/25/0142/FUL.
 - The development proposed is Plot 1 (self-build) Erection of 1 No. dwelling & associated works/improvements to existing vehicular access.
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Appeal B Ref: APP/F3545/W/25/3365677

Land at 13A High Street, Clare, Sudbury, Suffolk CO10 8NY

- 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 David Orbell against the decision of West Suffolk Council.
 - The application Ref is DC/25/0143/FUL.
 - The development proposed is Plot 2 (self-build) Erection of 1 No. dwelling & associated works/improvements to existing vehicular access.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. Both appeals relate to the erection of one dwelling within the land associated with 13A High Street. As such, whilst I have considered each proposal on its individual merits, to avoid duplication I have dealt with the issues common to both schemes together.

Main Issues

4. In both appeals the main issue is the effect of the proposal on the character and appearance of the area, having particular regard to whether the development would preserve or enhance the character or appearance of the Clare Conservation Area. An additional main issue in Appeal B is the effect of the living conditions of neighbouring residents, with particular regard to overlooking.

Reasons

Character and appearance

5. The appeal site comprises a detached bungalow and outbuildings, set towards the highway. Whilst there are a group of tightly spaced terraced properties, Bloomfield Court, between the appeal site and the High Street, the site itself forms part of a

row of similar, street fronting properties, Jacaranda House and The Spindles. These properties, including the host property, benefit from large, verdant rear gardens, adjoining open countryside which contribute to the rural, edge of settlement character.

6. The site lies within the Clare Conservation Area (CA). The CA covers the main built-up area of the town with the dense centre contrasting with the sparser edge of settlement and the surrounding countryside, common land and open space. There is a rich variety of high-quality traditional buildings with varying plot widths and few gaps in development. Where gaps do exist, they offer glimpsed views of the surrounding countryside that contribute significantly to the character of the area. Accordingly, insofar as is relevant to these appeals the significance of the CA derives from the variety and quality of traditional architecture, the layout and positioning of the built form in relation to its surroundings and density of development.
7. The development in Appeal A would introduce a dwelling on Plot 1. Whilst it would be narrower than the properties on this side of Bloomfield Court, it would align with the existing row with a similarly deep rear garden. Further, it would be constructed using traditional materials with appropriate detailing.
8. Nevertheless, the development would also include an area of hardstanding that would be substantial in size and located towards the centre of the appeal site. The parking court would dominate the site and when viewed amongst the surrounding verdant gardens, appear incongruous. As such, the development would diminish the contribution the site makes to the rural edge of settlement character and hence the significance of the CA.
9. The dwelling in Appeal B would also be of a high-quality design. Nonetheless, the proposal would introduce a dwelling on Plot 2, in a position which would fail to replicate the road fronting pattern of development seen on this side of Bloomfield Court. Moreover, the introduction of a large, detached dwelling would increase the density of development at the edge of the settlement.
10. Whilst there are other instances of backland development, that can be seen from the surrounding open countryside, when viewed from Bloomfield Court, due to the scale and position, the dwelling on Plot 2 would physically and visually intrude into the surrounding countryside. Even when considering the recently approved alterations to the host property¹, the proposal would marginally reduce views out from the CA, such that it would detrimentally affect the significance of the CA.
11. Consequently, the development in both Appeal A and Appeal B would fail to preserve the character and appearance of the CA and as referred to in the National Planning Policy Framework (Framework), would result in a minimal amount of less than substantial harm.
12. Notwithstanding the above, as required by the Framework, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. As I set out below, the public benefits of both Appeal A and Appeal B include the efficient use of land and an additional dwelling within an accessible location. Overall, I find that the great weight I attach to the identified harm with respect to the designated heritage asset would not be

¹ Application Reference: DC/25/0141/HH

outweighed by the benefits of the proposals and the development in both Appeal A and Appeal B would conflict with the Framework.

13. Therefore, I conclude that the development in Appeal A and Appeal B would harm the character and appearance of the area and would fail to preserve the character and appearance of the CA. The development in both Appeals would conflict with Policies DM2, DM17 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) (JDMPD) and Policy CS3 of the St Edmundsbury Core Strategy (December 2010). Amongst other things these policies require development to recognise local distinctiveness and special qualities of an area, preserve the character or appearance of Conservation Areas including views, not involve the loss of gardens which make a significant contribution to the character and appearance of a settlement, not adversely affect the urban form and apply innovative measures to avoid the visual dominance of parking.

Living conditions

14. Plot 2 would have a first-floor window in the southern elevation of the dwelling. However, it would be high-level and obscured glazing. As such, there would be no opportunities for overlooking towards The Spindles or Plot 1 from this elevation.
15. There would also be first floor windows in the eastern elevation orientated towards the rear elevation of The Spindles and the proposed dwelling at Plot 1. Notwithstanding the orientation, the separation distances between the properties would be substantial and any views would be offset, such that they would not lead to issues of overlooking both inside the properties and in their respective rear gardens.
16. Consequently, I conclude that the development in Appeal B would not harm the living conditions of neighbouring residents, with particular regard to overlooking. It would accord with Policy DM2 of the JDMPD insofar as it requires development to not adversely affect residential amenity.

Other Matters

17. The Framework seeks to boost housing supply, whilst supporting development which makes efficient use of land. The development in both Appeals A and B would make an efficient use of land, providing an additional dwelling each within an accessible location and contribute towards the districts housing supply. However, in the case of both Appeals, an additional dwelling, would make little difference to the overall supply of housing.
18. My attention has been drawn to other recently approved schemes at the appeal site². However, elements of their design, including the layout, scale and density of development are significantly different. As such, they have not affected my overall assessment of the proposals.
19. I acknowledge that the Parish Council support the proposals. However, this is a neutral matter which neither weighs in favour of or against the proposal.

² Planning Application References: DC/25/0647 and DC/25/0655

Conclusion

20. For the reasons given above, I conclude that both Appeal A and Appeal B would conflict with the development plan as a whole and there are no material considerations, including the Framework, the benefits of the proposals and the other recently approved planning applications, that outweigh that conflict. Therefore, both Appeal A and Appeal B are dismissed.

K Allen

INSPECTOR