
Appeal Decision

Site visit made on 26 August 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/F3545/W/25/3367423

Land Adjacent to Montescourt, Philip Road, Bury St Edmunds, Suffolk IP32 6DQ

- 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 Anthony Gibney against the decision of West Suffolk Council.
 - The application Ref is DC/25/0427/FUL.
 - The development proposed is new bungalow
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have updated the site address to that on the decision notice, as it provides greater clarity.
3. West Suffolk Council adopted West Suffolk Local Plan 2024-2041 July 2025 (Local Plan) and I have used the policies contained within this Local Plan to make my decision.
4. The Council was asked to confirm if it now benefited from a 5 year housing land supply. The Council responded to state that it was confident it did have one, though its annual update will be published in early Autumn.

Main Issues

5. The main issues are:
 - The effect on the character and appearance of the local area.
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with regard to privacy and the provision of private amenity space and quality of internal space.

Reasons

Character and appearance

6. The immediate locality is defined by moderate sized detached bungalows and 1930s style semi-detached two storey dwellings. The site (excluding the shared access) is approximately half the width of the adjacent bungalow. To the rear of the site is a bungalow currently under construction.
7. The proposed dwelling would be substantially smaller than the surrounding properties and does not follow the design cues of the adjacent building. Therefore, on

this basis the proposal would not be in keeping with the street scene. In addition, the proposal is not considered to be of high quality architectural that would lead to an enhancement to the street scene.

8. On this issue, I therefore conclude that the proposal would not preserve or enhance the character and appearance of the local area. On this basis, the proposal does not comply with Policies SP4 and LP9 of the Local Plan, which seeks design that is of a high quality that responds to the local character. The National Planning Policy Framework 2024 (Framework) paragraph 131 states that high quality beautiful design is fundamental to the planning system, the proposal would not meet this requirement.

Future occupiers

9. The proposed dwelling is located between a shared driveway and the adjacent bungalow of 40 Philip Road (No.40). The design of the proposal shows two windows serving a kitchen/dining space and a bedroom that would be near the boundary fence of No.40. With the proposed windows that would serve the hall are near the shared driveway. On this basis the proposal would not have an acceptable internal amenity space given that the proposed kitchen/dining space and one of the bedrooms would have no outlook and the windows facing the driveway would likely be affected by noise and light pollution.

10. The neighbouring property of Montescourt has one first floor window facing the proposed dwelling. Given the location of this neighbouring window, it could cause some loss of privacy to one of the proposed hallway windows. Given the position of the neighbour's windows there would be no material loss of privacy to the private external amenity space of the proposed dwelling.

11. The private external amenity space of the proposed dwelling is adequate for this size dwelling. On this basis, there is no concern over the proposed private amenity space. However, the proposal would have very poor internal amenity space as detailed above.

12. On this issue, I therefore conclude that the proposal would not provide suitable living conditions for future residents. On this basis, the proposal does not comply with Policies SP4 and LP9 of the Local Plan, which seek to ensure that new dwellings function well and are healthy places for future occupants to live in.

Other Matters

13. The appellant has referred to paragraph 64 of the Framework. However, this refers to affordable housing and I have not been provided any evidence to suggest the proposal is for an affordable dwelling. Given the appellant refers to brownfield land, they might have been referring to paragraph 125c of the Framework. It is accepted that this site formed part of a shared car parking area, is therefore brownfield, and on this basis significant weight in favour is granted on this basis.

Planning Balance

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

15. The Council cannot for the purposes of this appeal demonstrate a deliverable five year supply of housing land as required by Paragraph 78 of the Framework.

Consequently, paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

16. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the Local Plan, with the harm to the amenity of future occupants and that the design does not preserve or enhance the character or appearance of the local area. For these reasons, the proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.

17. The Framework promotes residential development on brownfield sites and this is given significant weight. The benefit of one dwelling in supporting both services within the settlement is limited. There is also likely limited economic benefits during the construction phase.

18. However, I have concluded that there would be significant harm to the living conditions of future occupants due to windows in close proximity to the boundary of No.40 and the shared driveway. In addition, the proposal would neither preserve nor enhance the street scene that also significantly weighs against the proposal.

19. The adverse impacts would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

20. For the reasons given above the appeal should be dismissed.

A Phillips

INSPECTOR