
Appeal Decisions

Site visit made on 15 September 2015

by Anne Napier BA(Hons) MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 October 2015

Appeal A Ref: APP/J3530/W/15/3007968

5 Grundisburgh Road, Woodbridge, Suffolk IP12 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms J Houchell against the decision of Suffolk Coastal District Council.
 - The application Ref DC/14/3408/FUL, dated 15 October 2014, was refused by notice dated 15 January 2015.
 - The development proposed is erection of detached 2 bedroom bungalow with associated access, parking, landscaping and ancillary works.
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Appeal B Ref: APP/J3530/W/15/3031295

5 Grundisburgh Road, Woodbridge, Suffolk IP12 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms J Houchell against the decision of Suffolk Coastal District Council.
 - The application Ref DC/15/0966/FUL, dated 6 March 2015, was refused by notice dated 30 April 2015.
 - The development proposed is erection of detached 4 bedroom dwelling with associated access, parking, landscaping and ancillary works.
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The address of the appeal sites used in the headings above is that given on the application forms. However, the address given on the appeal forms is 5-7 Grundisburgh Road. Having regard to the details before me, I am satisfied that this is a clerical discrepancy and that my intention to consider the appeals on this basis will not cause material prejudice to the interests of any party.
3. Although the appeals relate to different development proposals on separate sites, they both form part of the existing garden of No 5-7 and the supporting information submitted in respect of both appeals and the issues raised in relation to the proposals are very similar. Accordingly, to avoid unnecessary repetition, I intend to consider the proposals jointly, although the decision on each appeal scheme will be made separately, on its own merits and in light of all representations made.

Main Issues

4. The appeal sites are close to the Conservation Area for this part of Woodbridge and within relatively close proximity to Buttrum's Mill, a grade II* listed building. These are designated heritage assets and I am mindful of my statutory and other duties in these regards. The main issues in these appeals are:
 - The effect of the proposals on the character and appearance of the area, with particular regard to whether they would preserve the setting of the listed mill building and preserve or enhance the character or appearance of the adjacent Conservation Area; and
 - Whether or not the proposals would achieve appropriate living conditions for neighbouring occupiers and their own potential future occupiers, with particular reference to privacy, outlook, noise and disturbance, and amenity space.

Reasons

Character and appearance

5. The appeal sites are located within the built up part of the settlement, although towards the edge of Woodbridge. Whilst other types of development also exist nearby, notably some commercial uses as well as schools and playing fields, the immediately surrounding area is predominantly residential. No 5 is a detached two-storey dwelling and the details before me indicate that No 7 was subsequently constructed as a two-storey annexe, although I understand that it is now used as part of the main dwelling. The house is set back some distance from the road, with a generous garden to both its front and rear.
6. From the evidence available to me, including the listing description and my visit to the area, I consider that the significance of the listed mill is largely derived from its age, form, fabric and architectural features. In addition, it is situated some distance from the centre of the town and the relatively limited extent of built development within its immediate vicinity has an impact not only on views of the mill, but also in how it is experienced more generally within the surrounding area. This pattern of development provides a degree of spaciousness within the immediate setting of the mill, which results in it having a sense of separation from the more highly developed areas nearby and is reflective of its historic edge of settlement location. As such, this setting makes an important and positive contribution to the character of the building and its significance.
7. The boundary of the Conservation Area includes the mill and land immediately around it and it is not disputed that the purpose of this designation was to ensure that the important setting of the mill was protected. However, in addition, I consider that the generous and largely undeveloped gardens of dwellings outside but immediately adjoining the formal designation reinforce these qualities and, as a result, make a valuable contribution to the wider setting of the listed building and to the overall character of the area.
8. Appeal A proposes the erection of a single-storey property to the rear of the host dwelling. Currently, this large area of garden provides a substantial separation between the host dwelling and the adjacent house to the rear, at No 3 Conach Road, which is in close proximity to the shared boundary of the

site. Within this context, the site is situated between the generally regular, relatively closely spaced, pattern of development to the west and more open land to the east. As such, I consider that it forms part of an important transitional area that makes a positive and valuable contribution to the setting of the mill and the overall character of the local area.

9. The single-storey form of the appeal dwelling would limit its impact on wider views of the mill and the proposal would be broadly in line with No 3 and the host property. However, the proposed dwelling and garage would occupy a significant proportion of the appeal site, which would substantially reduce the remaining area of rear garden for the sizeable host dwelling and limit the space available around the proposal. As a result, notwithstanding the variety of other development nearby or the general absence of wider public views, given the relative scale of the proposal, I consider that it would result in a cramped form of development. It would materially diminish the spacious pattern of development within the immediate vicinity and, due to its relative proximity to the existing dwelling, the appeal dwelling would have an unsatisfactory relationship to that property. The appeal scheme would also result in a material increase in the intensity of development within the immediate area which, for the reasons given above, would be unacceptably harmful to its character and detrimental to the setting of the mill.
10. Appeal B proposes the erection of a two-storey dwelling between the host property and the main road, within the existing front garden of the dwelling. The existing dwelling is set back some distance from the highway, significantly further than the properties to either side. However, whilst the front garden of the appeal site represents a 'gap' in the frontage development along the road, the existing layout of development within the site enables clear public views of the mill to be obtained. Moreover, the garden is an important part of the setting of the host dwelling, which is a sizeable property and markedly different in character to the dwellings to either side. Accordingly, the undeveloped front garden of the host dwelling makes a positive contribution to the streetscene and the setting of the mill.
11. The development of the site as proposed would result in a substantial change to both its appearance and its effect on the character of the area. It would materially reduce the availability of public views of the mill and significantly alter the setting of the host dwelling and its contribution to the streetscene. Given the extent and scale of development proposed, including the overall layout and the limited separation distance between the appeal dwelling and the host property, this proposal would result in an unsympathetic addition to the streetscene. It would have a poor visual relationship with the existing dwelling and, due to its close proximity to that property, would appear cramped, even taking into account the pattern of other development nearby. Given the contribution made by the site to the streetscene and the wider character of the area, this would have an unacceptably harmful impact on the locality and on the setting of the mill.
12. The comments received from Historic England (as English Heritage) on both proposals indicate that this organisation considered that the schemes should be determined in light of local and national planning policy and local specialist conservation advice. As a result, the absence of a specific objection to the proposals in this respect does not lead me to alter my findings above.

13. Therefore, for the reasons given, I conclude that both Appeal A and Appeal B, considered either individually or cumulatively, would have a detrimental effect on the character and appearance of the local area. Furthermore, they would both be harmful to the significance of the designated heritage assets, as neither scheme would preserve the setting of the mill and each would have an adverse effect on the character and appearance of the nearby Conservation Area. As such, they would be contrary to the *Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013* (LP) Policy DM7, DM21 and SP15, which seek to protect local character and appearance, including in relation to the historic environment.
14. I give considerable importance and weight to the harm to the significance of the heritage assets. However, each proposal concerns one site outside but in close proximity to the Conservation Area and neither scheme would lead to the loss of the listed building. Consequently, even considered cumulatively, I consider that the harm caused, whilst material, would be less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposals.
15. The main public benefits resulting from the schemes would be the provision of new dwellings in locations that are within easy reach of a range of local services and facilities. These developments would add to the local housing stock and contribute to meeting local housing need. In addition, the proposals are likely to result in some support for local services, both during construction and after occupation. Accordingly, I consider that the proposals would have some social and economic benefits. Given the overall scale of development proposed, these are likely to be relatively limited. Nonetheless, having regard to the general encouragement in the Framework for such development, I give these benefits moderate weight.
16. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the developments proposed would not make such a contribution.
17. For these reasons, I conclude that the benefits of the proposals would not be sufficient to outweigh the harm identified to the significance of the heritage assets and neither Appeal A nor Appeal B would meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Living conditions

18. For Appeal A, the development of a new dwelling would result in a material intensification of the use of the site and, compared to its use as part of a large rear garden, an increase in noise and disturbance would be very likely, particularly in respect of vehicle and pedestrian movements and having regard to the relatively close proximity of the site to the rear and side gardens of adjacent properties. Nonetheless, given the predominant character of the surrounding area and the overall extent of existing residential development nearby, I consider that the development of the site for one new dwelling in this

location would be relatively limited in its impact on neighbouring living conditions.

19. Furthermore, due to the overall design of the proposal, its single-storey form and the relative separation distances involved, I consider that it would not be unacceptably overbearing or have a detrimental effect on the privacy of neighbouring occupiers. In addition, although concerns have been expressed by the Council about the adequacy of the amenity space proposed, the evidence provided in this regard is relatively limited. Notwithstanding the extent of separation of the appeal dwelling from the properties adjacent to the site and my findings above on the character of the area, taking into account the detailed design, form and layout of the appeal scheme, I am satisfied that the proposal would achieve adequate living conditions for its own potential future occupiers in terms of privacy and the provision of amenity space.
20. The Appeal B proposal would be two-storey in scale and located between the existing dwellings at No's 3 and 9 Grundisburgh Road. From the evidence before me, this would have a material effect on the outlook of the occupiers of these neighbouring dwellings, which have a number of rooms with windows facing towards the appeal site. However, the separation distances involved would provide some mitigation in this regard and, given these distances, the location of the site, the respective orientation of the properties and the overall scale and design of the dwelling proposed, including its fenestration details, I consider that the impact of the proposal on the outlook, light and privacy of these neighbouring occupiers would not be unacceptably detrimental in this case.
21. There would only be a limited separation distance between the appeal proposal and the host dwelling. This property has a window to the first floor front elevation, which would overlook the rear garden of the appeal site and the rear elevation of the proposed dwelling. However, concerns relating to privacy in this regard could be adequately addressed by a suitably worded condition requiring the window to be obscure glazed and limited in its opening. Although such an approach would be unlikely to be feasible for the existing first floor windows to the neighbouring properties to either side, given the distances and respective relationships involved, concerns in respect of privacy and outlook for the potential future occupiers of the proposal could be addressed by the appropriate design and landscaping of the garden area. Accordingly, from the evidence available to me, I am not persuaded that the proposed amenity space would not be able to meet the likely needs of the potential future occupiers of the proposed dwelling or that the privacy available would be unacceptable.
22. The proposals would result in an increased use of the access drive serving the existing dwelling. However, given the proposed amendment to its layout, which would increase the separation distance from No 9, and the relatively limited overall scale of development proposed, I consider that the impact of this aspect of the schemes, even considered cumulatively, would not result in an unacceptably detrimental noise and disturbance to the living conditions of neighbouring occupiers, or the potential future occupiers of Appeal B. Furthermore, the concerns expressed about the treatment of the shared boundary to the west of the proposed access could be appropriately addressed by condition.

23. Accordingly, overall, I conclude that the Appeal A and Appeal B proposals would be able to provide for adequate living conditions for their neighbouring and their own potential future occupiers. As such, I am satisfied that this issue does not represent an appropriate reason to find against either of these schemes. They would meet LP Policy DM23, which seeks to protect local living conditions. They would also meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

24. I have found above that there are matters that weigh in favour of these proposals and contribute towards the aim of achieving sustainable development. However, paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built and historic environment as well as in people's quality of life'.
25. For Appeal A and Appeal B, I conclude that the benefits of the proposals and the lack of harm to the neighbouring living conditions would be significantly and demonstrably outweighed by the harm identified to the character and appearance of the area. As a result, neither proposal would meet the overarching aims of the Framework to achieve sustainable development. Consequently, I find that their contribution to the supply of housing would not represent a compelling reason to find in favour of either proposal.
26. Local concerns were also raised in respect of access, parking provision and drainage. However, given my findings above, it is not necessary for me to consider these matters further.
27. In my consideration of these appeals, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, in particular to the protected disability characteristic, and to rights under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. I am satisfied that the schemes would not conflict with the three aims of the Equality Duty and, as I have found above that the proposals would not cause unacceptable harm to neighbouring living conditions, that the degree of interference that would be caused to nearby occupiers would be insufficient to give rise to a violation of these rights. Nonetheless, this does not alter my findings in respect of the main issues above.

Conclusions

28. I have considered each of the proposed developments on its individual merits. For the above reasons and having regard to all other matters raised, including the support of the Town Council for the Appeal A proposal, I conclude that Appeal A and Appeal B should be dismissed.

Anne Napier

INSPECTOR