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## Appeal Decision

Site visit made on 6 October 2015

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

**Decision date: 13 November 2015**

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**Appeal Ref: APP/E3525/W/15/3031345**

**65 Horsecroft Road, Bury St Edmunds, Suffolk IP33 2DT**

- 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 Mr Trevor Grange against the decision of St Edmundsbury Borough Council.
  - The application Ref DC/14/2281/FUL, dated 2 December 2014, was refused by notice dated 5 March 2015.
  - The development proposed is demolition of single garage, erect new two bedroom bungalow. Extend existing drive.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - The effect of the proposal on the character and appearance of the area and;
  - The effect of the proposal on the living conditions of the occupiers of 65 Horsecroft Road with specific reference to garden space.

### Reasons

#### *Character and Appearance*

3. The proposal is situated to the east of 65 Horsecroft Road (No 65) forming part of the side garden of that property. A private gravel access road leading off Horsecroft Road serves a small cul-de-sac containing 65, 67 and 69 Horsecroft Road. The area is defined by mainly one to one and a half storey detached properties set in large plots with substantial tree and shrub planting giving the area a spacious and leafy character.
4. No 65 is a modest bungalow set in a large plot. The garden area to the east of the property has an uneven surface and is grassed over. Whilst it has an unkempt appearance it, nevertheless, contributes to the spacious character of the area.
5. The proposed dwelling is situated within the settlement boundary of the town in a sustainable location. The overall scale and materials of the proposal would generally reflect the existing properties in the cul-de-sac.

6. However, as a result of the proposal, I consider that both the proposed new bungalow and no 65 would sit in small plots which would be at odds with the prevailing character of the area. The loss of the garden area and its replacement with built development would have a detrimental effect on the spacious and locally distinctive character of the area.
7. Whilst the roof of the proposed dwelling would be relatively steep compared to no 65, I note that 69 Horsecroft Road (No 69) and also 136 Hardwick Lane also have a steep pitched roof. However, as the roof of the proposal would be higher than that of no 65, it would be visible over the roof of no 65 from Horsecroft Road and the access track resulting in a more built-up appearance.
8. The appellant contends that the area has a mixed character and that some dwellings are situated in smaller plots. It is accepted that there is a mix of both traditional and modern properties with a diverse palette of materials ranging from flint to brick. However, whilst there are some notable exceptions on the western side of Horsecroft Road, the prevailing character on the eastern side of Horsecroft Road and also on Hardwick Lane is that of detached properties set in spacious plots. This lower density development provides an appropriate transition between the higher density development of the town and the open countryside which is reached a short stretch along Horsecroft Road from the appeal site. Consequently, the proposal would be at odds with the existing pattern of development and I, therefore, conclude that it would have a detrimental effect on the spacious character and appearance of the area.
9. Furthermore, whilst each application must be considered on its merits, I consider that approval of this proposal could be used in support of a similar scheme given that the principal of development in gardens would have been accepted. Allowing this appeal would make it more difficult to resist further applications for similar development and I consider that the cumulative effect would exacerbate the harm which I have identified.
10. The appellant also refers to the fact that an outbuilding could be constructed on the site as permitted development, covering up to 50% of the site and with a height of 4m. However, a building which could be erected under permitted development rights would be significantly lower than the appeal proposal and would, therefore, be less harmful.
11. Paragraph 7 of the National Planning Policy Framework sets out the economic, social and environmental dimensions of sustainable development. Whilst the proposal would make a small contribution to the economic dimension through the construction phase this would be very modest and short term. The contribution which a single dwelling can make to housing supply is, by its nature, very limited. In terms of the environmental aspect, the proposal would be situated in a sustainable location in close proximity to services. However, the proposal would have a harmful effect on the character and appearance of the area which would be contrary to paragraphs 17 and 56 of the Framework which seek to secure high quality design. Good design is a key aspect of sustainable development, indivisible from good planning. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 53 of the Framework also states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens where development would

cause harm to the local area. For the reasons set out above I consider the proposal would conflict with paragraphs 17, 53 and 56 of the Framework.

12. The proposal is also contrary to Policy CS3 of the St Edmundsbury Core Strategy 2010 which seeks to ensure that proposals for new development create and contribute to a high quality, safe and sustainable environment, and in particular bullet point three which requires proposals to have an understanding of the local context and an indication of how the proposal will enhance the area.
13. Furthermore, the proposal is in conflict with Policy DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015 which seeks to ensure that all residential development proposals maintain or create a sense of place and/or character. The proposal is also contrary to the Supplementary Planning Document Development Design and Impact 2011 which states that proposals for development will be considered favourably where they recognise and address the key features, characteristics, landscape/townscape character and local distinctiveness of the area and maintain a sense of place and character.

#### *Living Conditions of 65 Horsecroft Road*

14. The proposal would occupy the side garden of no 65. A new vehicular access is proposed for no 65, which has highways consent, in order to enable the existing access to be extended to serve the new property. The Highways Department have not objected to the appeal proposal on the basis that the substitution of one dwelling with another would not lead to an overall increase in use, providing the access can be created safely.
15. As a result of the new access, the rear of no 65 will effectively become the front. Whilst it is recognised that No 65 would still have 400 square metres of garden remaining, this would be visible from Horsecroft Road and would not, therefore, be private. There would be minimal amount of garden to the rear, facing onto the access road. Furthermore, the proposed access would take up part of the new front garden reducing the amount of useable garden space and it would also open up views to the garden from the road. Whilst the proposed new access is not part of the application, as it has highways consent, it is a consideration in the determination of this application. Consequently, the cumulative effect of the new proposed access and the appeal proposal would result in No 65 having a minimal amount of private garden space.
16. The plans show the location of a garage, however, no details have been provided and it does not, therefore, form part of the application. It is noted, however, that this would be erected close to the bedroom windows of no 65, which would result in a loss of light and outlook to those windows. Whilst this is undesirable, it cannot be taken into account in the consideration of this appeal as it does not form part of the application.
17. I, therefore, conclude that the proposal would have a detrimental effect on the living conditions of the occupiers of No 65 by virtue of reducing the amount of private garden space and would, thereby, be contrary to Policy DM22, criteria K which requires that new dwellings are fit for purpose and function well, providing adequate space, light and privacy and; paragraph 17 of the Framework which seeks to secure a high standard of amenity for existing and

future occupiers. It would also conflict with SPD criteria e vii) which seeks to ensure that proposals do not affect residential amenity.

*Other Matters*

18. I am satisfied that the appeal proposal is situated in such a way that it would not have an adverse effect on the living conditions of adjoining properties (other than No 65) in terms of privacy, outlook or over-shadowing.

**Conclusion**

19. I have carefully considered the benefits of the proposal in terms of contributing to housing supply in a sustainable location with the harm which the proposal would cause to the character and appearance of the area. I have also considered the harm which would be caused to the living conditions of the occupiers of no 65. On balance, I conclude that the totality of the harm I have identified would outweigh the benefits of the proposal. For the reasons set out above I, therefore, dismiss the appeal.

*Caroline Mulloy*

INSPECTOR