



# Appeal Decision

Site visit made on 2 March 2010

by **Ron Boyd** BSc (Hons) MICE

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
25 March 2010

**Appeal Ref: APP/H3510/A/09/2113872**

**Brandon House, 6 Wings Road, Lakenheath, Suffolk IP27 9HW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr and Mrs Nigel Smith against Forest Heath District Council.
- The application Ref F/2009/0349/FUL, is dated 19 March 2009.
- The development proposed is erection of 4 No. detached private dwellings/garages and associated works on land to the rear of No 6 Wings Road Lakenheath.

## Decision

1. I dismiss the appeal and refuse planning permission for the erection of 4 No. detached private dwellings/garages and associated works on land to the rear of No 6 Wings Road Lakenheath.

## Procedural matter

2. Subsequent to the appeal being lodged, the Council's Planning Committee resolved that had it been in a position to determine the application it would have refused it, on the grounds that the proposed development would be prejudicial to the wider character and appearance of the area and to the reasonable living conditions of neighbouring residents. I have treated this as the decision the Council would have made had it been empowered to do so.

## Main issues

3. I consider these to be the effect the proposed development would have on the character and appearance of the surrounding area, including the Lakenheath Conservation Area, and upon the living conditions of neighbouring residents with particular regard to noise, disturbance and loss of privacy.

## Reasons

4. Brandon House is a detached 2 storey house on the south side of Wings Road. The appeal site, which lies within the settlement boundary for Lakenheath comprises the L-shaped garden of the property. Part of the site lies within the Conservation Area. The proposal would provide 4 detached 1½ storey houses, orientated at right angles to Brandon House and served by a new access road running southwards from Wings Road within the western side of the site. The host property would retain a reduced back garden of some 13m in depth.

*Effect on the character and appearance of the surrounding area*

5. The wider surroundings of the site are varied, but to my mind the site sits between 2 distinct areas markedly different in character. Around the north of the site, and to the east, is relatively intense built development in Wings Road, Cross Lane Close and Wings Road Close. However, the south west leg of the site comprises the eastern tip of a verdant and more spacious part of the Conservation Area, which includes the grounds of the church and a care home. In my view, this area makes an important contribution to the overall character of the Conservation Area.
6. At present the appeal site provides a buffer between these 2 areas. The proposal would be compatible with the character of the development to the north and east, many of the existing dwellings being similarly orientated to those proposed, and in plots of a comparable size. However, by removing the buffer and extending this form of development up to and into the Conservation Area, I consider the proposed development would diminish the contribution that that part of the site within the Conservation Area makes to the Conservation Area as a whole. It would neither preserve nor enhance the character or appearance of the Conservation Area and would adversely affect views into and out of it, contrary to the provisions of Planning Policy Guidance Note 15, *Planning and the Historic Environment*.

*Living conditions of neighbouring residents*

7. In respect of spacing between dwellings and the avoidance of overlooking, I consider the proposal acceptable in the context of the surrounding development to the north and east. However, the proposed access road, whilst having a degree of separation from the boundary with 4a Wings Road and 6 Cross Lane Close, would run immediately adjacent to the full length of the garden to 5 Cross Lane Close and would be used over this length by pedestrian and vehicular traffic to and from plots 2, 3 and 4. Although the boundary is marked by a chalk wall some 1.5m in height, I consider the noise, disturbance and loss of privacy, likely to result from the movement of traffic along the access road in close proximity to the existing house and garden, would cause material harm to the living conditions of the occupiers of 5 Cross Lane Close. This would be contrary to Policy 4.14 (b) of the Local Plan. I note that the present occupants of number 5 have expressed support for the proposed development but it is important that the living conditions of future occupants be safeguarded.

*Other matters*

8. The suitability of the proposed access on to Wings Road is raised by a number of respondents. I note that the Highway Authority is satisfied with the proposed layout, which would meet its requirements in respect of visibility and the ability of drivers to enter and leave the site in a forward gear. I have visited the site and, in the absence of any substantiated evidence to the contrary, find no reason to disagree with the Highway Authority's assessment.
9. The proposal would require the removal of most of the trees within the site. The Council's Arboricultural Officer has advised that only a Yew, towards the northern end of the site, is worthy of formal protection. That tree is now protected by a TPO. The remainder of the trees outside the Conservation Area

could be removed without further reference to the Council. On this basis, and being mindful that the Arboricultural Officer identified no trees within the Conservation Area part of the site as meriting protection, I conclude that the loss of the trees would not in itself justify dismissal of the appeal.

### **Conclusion**

10. The proposal would make efficient use of a site in a sustainable location, with a form of development compatible with the character of the area around the north and to the east of the site. However, I consider these aspects are insufficient to outweigh the harmful effect the development would have on the character and appearance of the Conservation Area to the south and west of the site, and its effect on the living conditions of the occupants of 5 Cross Lane Close. I have considered all other issues raised, including that the Council's Officer's Report to the Planning Committee recommended that the application be permitted, but find nothing to alter my decision. For the reasons given above, I conclude, on balance, that the appeal should be dismissed.

*R. T. Boyd*

Inspector