



# Appeal Decision

Site visit made on 15 February 2022

**by Philip Mileham BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> March 2022**

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**Appeal Ref: APP/X3540/W/21/3279845**

**Land Rear of 55, The Street, Carlton Colville, Suffolk, NR33 8JP**

- 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 Richden Homes Ltd against the decision of East Suffolk Council.
  - The application Ref DC/21/2130/FUL, dated 4 May 2021, was refused by notice dated 28 June 2021.
  - The development proposed is the erection of a residential bungalow and all associated works.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupiers having regard to noise and disturbance, lighting and outlook.

## Reasons

3. The appeal site comprises an area of what is described on the plans as allotment land located to the rear of No.55 The Street. The site is predominantly laid to grass with a shed and greenhouse and also includes a single-storey flat-roofed double garage block. There is no dispute between the parties that the site would be located within the settlement boundary and that local bus services are available to other nearby settlements.
4. The proposed development would be located directly adjacent to the beer garden of the Old Red House Public House. The beer garden is a flat area of land laid to grass with an area of decking close to the front corner of the proposed dwelling. Whilst the appellant has indicated that the Public House is currently closed, there is no evidence before me to confirm this. Even so, the Public House and accompanying beer garden could be reopened and actively used with limited notice. At the time of my visit during a winter weekday, the Public House was not open for customers; however, I consider that there would be a significant likelihood of the beer garden being used during periods of good weather.
5. Notwithstanding the above, the availability of outdoor space for Public Houses to use, has become particularly important since the coronavirus pandemic including for the provision of additional seating outdoor dining space. As such, the outdoor space of the Public House has the potential to make a positive contribution to maintaining its ongoing vitality and viability as a community

facility. I consider that the close proximity of the proposal to the beer garden would result in noise and disturbance to future occupiers of the proposed development, particularly in relation to their use of the proposed rear garden area. I consider such noise and disturbance would also place pressure on the future restriction of use of the Public Houses' outdoor space.

6. The proposed dwelling would be set back on the plot, and whilst there are a number of mature trees along the boundary of the beer garden, the dwelling would nonetheless be located in close proximity to the boundary of the beer garden. Whilst the appellant has indicated that any effects of noise could be addressed through the use of a 1.8 metre high acoustic fence along the boundary, there is no evidence before me to suggest how effective this might be in reducing noise from patrons of the Public House.
7. The proposal would have two bedrooms positioned to the front of the dwelling overlooking the parking and turning area. This area includes parking not only for the proposed dwelling, but also parking spaces for No.55 and No.57 The Street. The proposed dwelling would look out over the parking and turning area, and as there would be no intervening landscaping, future occupiers of the proposed dwelling would experience a poor outlook which would adversely affect their living conditions.
8. In addition to the poor outlook, outside daylight hours light from vehicle headlights would be directed towards the windows on the front elevation when entering the site. Due to the absence of any screening or landscaping, headlights would shine directly towards the front windows of the proposed dwelling resulting in disturbance from lighting. I consider that the effects of vehicle headlights would be harmful to the living conditions of future occupiers.
9. In light of the above, I conclude that the proposal would result in harm to the living conditions of future occupiers having regard to noise and disturbance, lighting and outlook. As such, it would fail to comply with Policy WLP8.29 of the adopted Waveney Local Plan (2019) (WLP) which states that development proposals should protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
10. The proposal would also fail to accord with paragraph 130 of the National Planning Policy Framework (NPPF) which states that developments should create places with a high standard of amenity for existing and future users.

### **Other Matters**

11. The Council's second reason for refusing the proposal as set out in the decision notice was due to the proposed development failing to demonstrate that it would avoid an adverse effect on the integrity of the Benacre to Easton Bavents Special Protection Area (SPA) and the Benacre to Easton Bavents Special Area of Conservation (SAC) as set out in the Suffolk Recreation Access and Mitigation Strategy (RAMS). Since the appeal was lodged, the appellant has provided a financial contribution to the Council which, if permission were granted, would provide suitable mitigation to address any potential effect on European sites. In light of the issue of mitigation being satisfactorily addressed, the Council has indicated this matter is no longer in dispute between the parties. However, as I am dismissing the appeal for other reasons, I have not addressed this matter further in my decision.

12. The proposed development would provide economic benefits through job creation and in the supply of materials, albeit these would be temporary during the construction period. The proposal would have social benefits from future occupiers utilising local services and facilities and engaging in community activities. Environmental benefits would be secured through on-site biodiversity enhancements. The proposal would also make a contribution to meeting housing needs in the area.

**Conclusion and planning balance**

13. Whilst the proposed development would result in a number of benefits as set out above, as the proposal is for a single dwelling these benefits would be limited and insufficient to outweigh the harm I have identified in the main issue and the conflict with the development plan when read as a whole.

14. For the reasons given above I conclude that the appeal should be dismissed.

*Philip Mileham*

INSPECTOR