

Title: DC Committee Constraints

Reference: 1835/14

Site: Land adj 2 Riverside Cottage, Mendlesham Green, Mendlesham



MID SUFFOLK DISTRICT COUNCIL

131, High Street, Needham Market, IP6 8DL
 Telephone : 01449 724500
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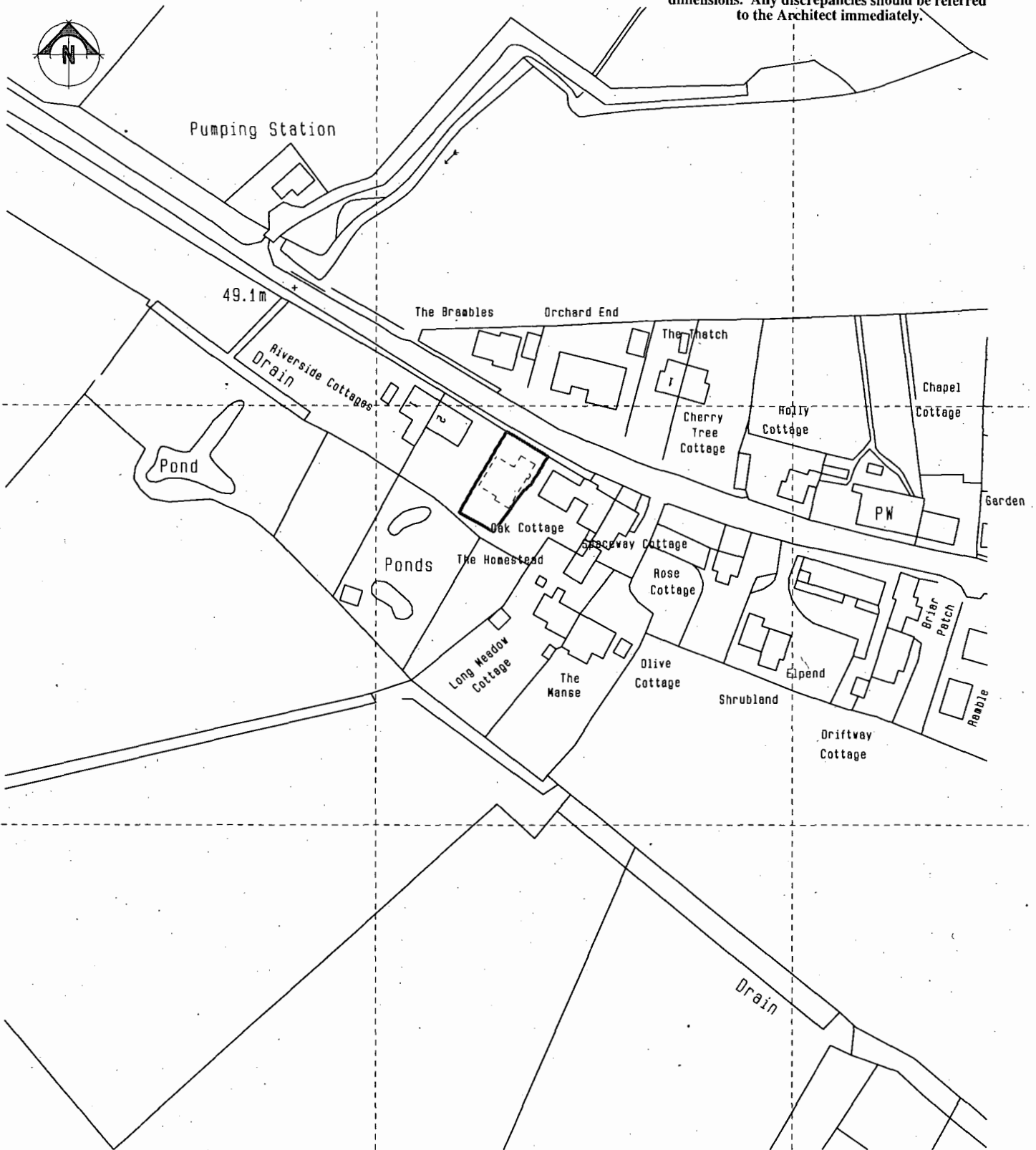


SCALE 1:1250

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SITE LOCATION PLAN
KAYS HILL, MENDLESHAM GREEN, SUFFOLK
HUNTINGFORD
 Scale 1:1250
3077-20

Revisions:

2 Grange Business Centre
 Tommy Flowers Drive
 Grange Farm, Kesgrave
 Ipswich, Suffolk, IP5 2BY

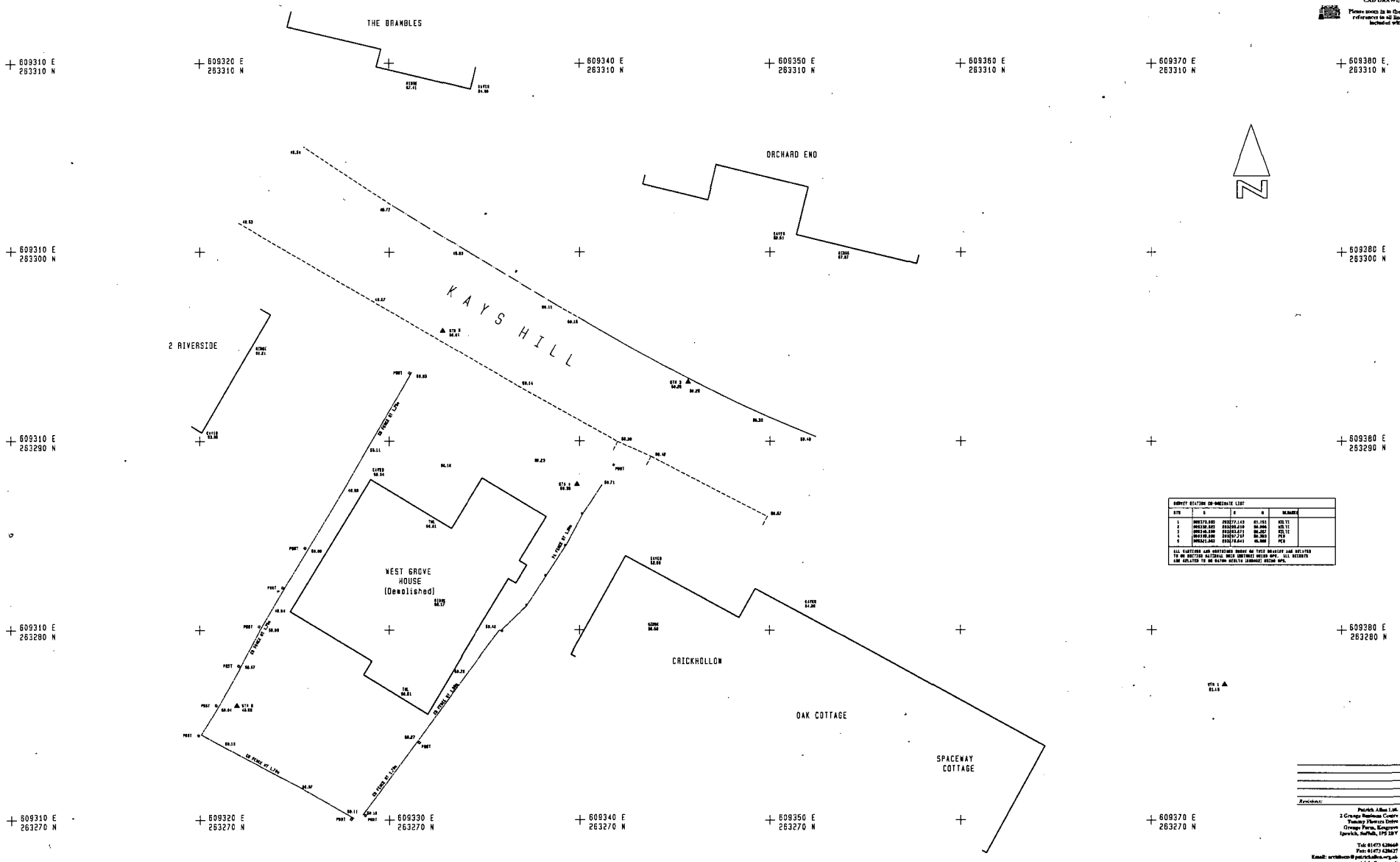
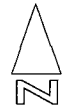
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CAD DRAWING IMPURT KEY
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PROPERTY ELEVATION DATA LIST					
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2	609320	263310	60.00	62.11	
3	609320	263320	60.00	62.11	
4	609320	263320	60.00	62.11	

69

Architect:

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 Suffolk, Suffolk, IP1 3BY

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PROJECT:
PROPOSED DWELLING
KAYS HILL, MENDLESHAM GREEN, SUFFOLK

CLIENT:
MR & MRS HUNTINGHAM

DATE:
24.04.2014

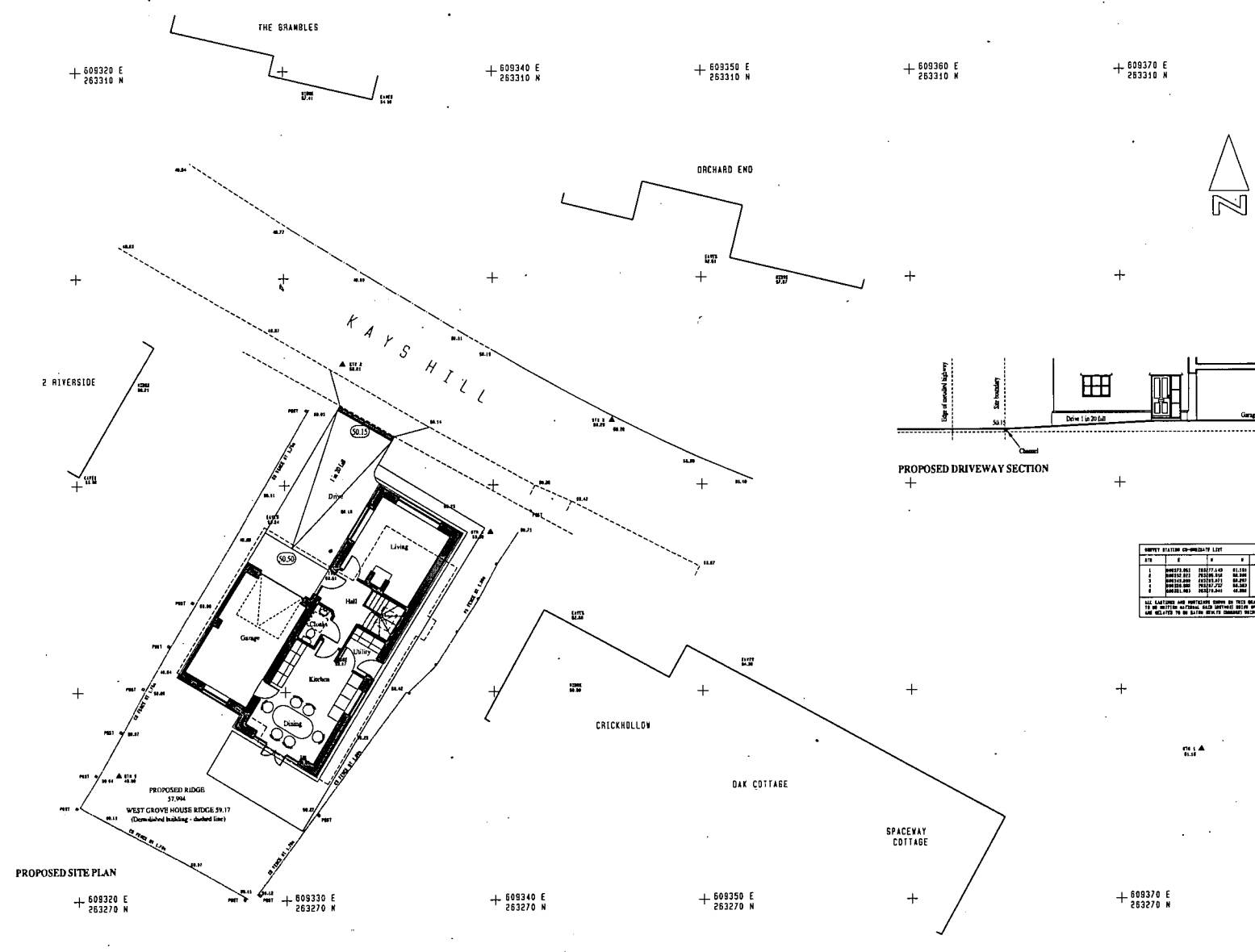
EXISTING SITE PLAN
 TOPOGRAPHIC INFORMATION BY OTHERS

SCALE	PAPER SIZE	DATE	DRAWN
1:100	A1	APRIL 2014	DG-S

3077-21

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PROPOSED DRIVEWAY SECTION

SETBACK SYSTEM CO-ORDINATE LIST

LINE	A	B	C	D	REMARKS
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2	609330.00	263270.00	61.00	0.00	SET 1
3	609330.00	263270.00	61.00	0.00	SET 1
4	609330.00	263270.00	61.00	0.00	SET 1

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PATRICK ALLEN LTD
ARCHITECTS

PROPOSED DWELLING
KAYS HILL, MENDLESHAM GREEN, SUFFOLK
 FOR:
MIR & MRS HUNTINGFORD
 PROPOSED
SITE PLAN
 SCALE: 1:100
 PAPER NO: A1
 DATE: APRIL 2014
 DRAWN: DGS

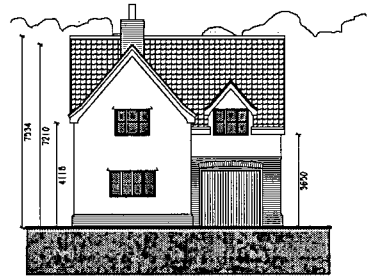
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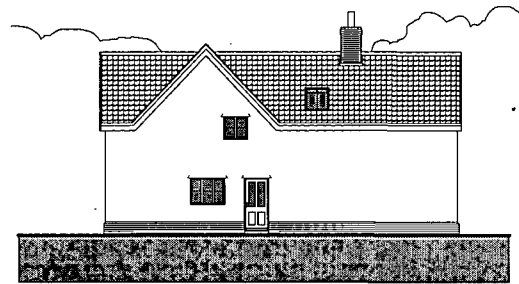
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 CAD DRAWING IMPURTY KEY
 Floor areas in the 'CAD lines' opposite for reference to all floor plans and elevations included within this drawing



North West Elevation



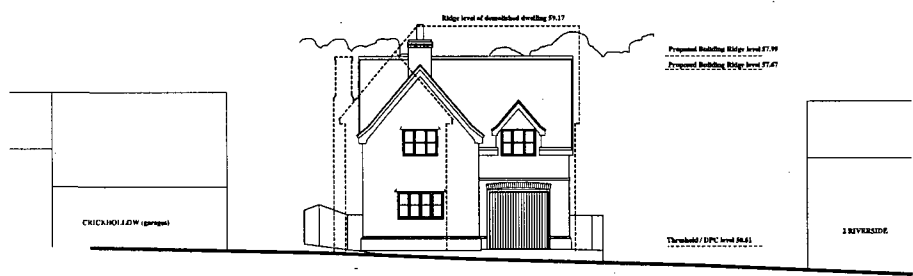
North East Elevation



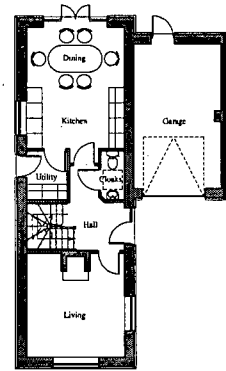
South East Elevation



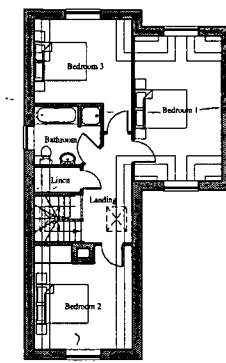
South West Elevation



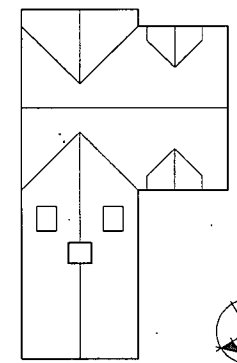
Indicative North East Elevation Street Elevation



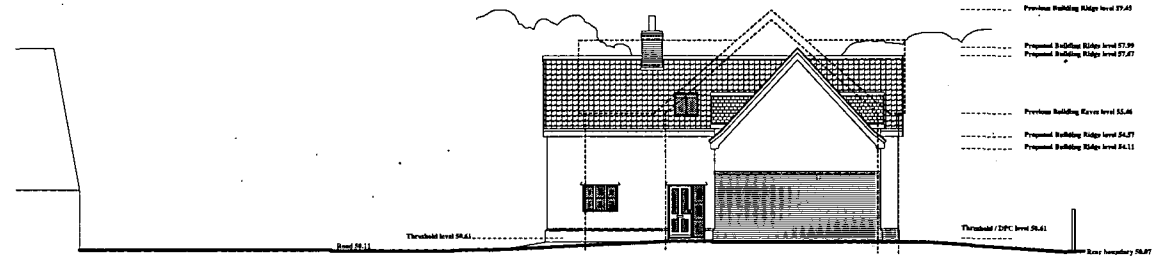
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Roof Plan



North West Elevation / Indicative Site Section

PROPOSED DWELLING
 KAYS HILL, MENDELSHAM GREEN, SUFFOLK
 CLIENT
 MR & MRS HUNTINGFORD

PROPOSED
 PLANS & ELEVATIONS

SCALE	PAPER SIZE	DATE	DRAWN
1:100	A1	APRIL 2014	DG-S

3077-23

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Mendlesham Parish Council:**Consultee response re 1835/14****Land Adj 2 Riverside Cottage, Mendlesham Green -erection of two storey dwelling**

This site has a turbulent planning history. Whilst this is a new application and has been considered on that basis, it is also prudent to learn from past experiences and errors.

Mendlesham Parish Council unanimously recommends refusal of this planning application for the following reasons.

Policy: This site is located at Mendlesham Green, a designated countryside village with no settlement boundary (red line). This application is therefore not in accordance with current policy.

Sustainability: Mendlesham Green or this application cannot be considered sustainable. There are no shops, public meeting places etc so residents rely on cars to access either services at Mendlesham Village, a Key Service Centre, some two miles away or other locations such as Stowmarket. Whilst there is a bus service this ceases mid afternoon and does not provide sufficient service for residents of Mendlesham Green to access Mendlesham or other work/service locations. There is no safe access to Mendlesham for walkers/cyclists along the unpathed highway and rights of way do not directly link Mendlesham and Mendlesham Green.

Design:

It is noted that this design is lower in height than previous applications. However, the height of the building is still considered as too dominant for both the village and immediate neighbouring properties. If built, the property roofline would be much higher than other rooflines and would be a prominent and unattractive feature. The size and shape of the proposed property is considered too big for the site and does not provide sufficient space to build or maintain the property on either side or provide room for planting or landscaping to soften the impact of the property, particularly for Crickhollow.

The building has also been set forward, closer to the road and it would be more sympathetic to the street profile if it was set further back onto the plot.

Size of plot:

Whilst we are not opposed to a building on the plot, notwithstanding it is outside policy, the current proposal has been "shoe-horned" into the site and perhaps a smaller property/ chalet bungalow would be more appropriate?

Highways:

The current proposal does not allow sufficient room for cars to be moved on the site itself so that cars do not have to back out onto the highway. The road outside is narrow with no room for road parking and we would question that sufficient provision for the number of cars, residents of this property are likely to have has been properly considered and provided for?

If built this also needs consideration for contractor vehicles?

Crickhollow: Neighbours loss of amenity.

Whilst Crickhollow is surrounded by neighbouring properties on its other boundary, this development would seem to have happened historically piecemeal, over a period of time and still provides the garden of Crickhollow a pleasing/ fairly open aspect with light and skyline views. We cannot see a measurement on the plans for this application, determining the distance between the new build and the boundary for Crickhollow but continue to support the Planning Inspector's opinion for the previous property, that the proposed walls of this proposed property closest to Crickhollow will be dominant and detrimental to the living conditions of the residents of Crickhollow.

If this application is agreed, we note the intention to seek a S106 agreement.

Sharon Jones
Parish Clerk for Mendlesham
20th August 2014

DEVELOPMENT CONTROL

□ MID SUFFOLK DISTRICT
COUNCIL
ENVIRONMENTAL

Planning Consultation – Land Contamination

Application Reference: 1835/14/FUL	Officer Allocated to: PJS
Location of Proposed Development: Land adj 2 Riverside Cottage, Mendlesham Green, Mendlesham	
Details: Erection of two-storey detached dwelling	
Date Documents Received: 24/07/2014	Date Reply Required by Planning: 14/08/2014
Objections:	
<p>Recommendations/Comments:</p> <p>Thank you for the opportunity to comment on the above planning application.</p> <p>I note that a land contamination questionnaire has been submitted. This alone, however, is not sufficient land contamination assessment. Although an assessment need not require an intrusive investigation, as a minimum it should also include a desk top study evaluating existing and historic environmental data. If the study identifies the likelihood of contaminants then a further detailed investigation will be required.</p> <p>I would recommend that the applicant submits a contaminated land screening assessment. This assessment usually comprises an on line search of historic data and OS maps. It is widely available from companies specialising in environmental information.</p> <p>Signed: Philippa Stroud</p> <p>Date: 8 August 2014</p>	

Your Ref: MS/1835/14
 Our Ref: 570\CON\1824\14
 Date: 13/08/2013
 Enquiries to: KylePorter
 Tel: 01473 265379
 Email: kyle.porter@suffolk.gov.uk



The District Planning Officer
 Mid Suffolk District Council
 Council Offices
 131 High Street
 Ipswich
 Suffolk
 IP6 8DL

For the Attention of: Lisa Evans

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
 CONSULTATION RETURN MS/1835/14**

PROPOSAL: Erection of two-storey detached dwelling
LOCATION: 2 Riverside Cottages, Mendlesham Green, Stowmarket
ROAD CLASS:

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1 P 1

Condition: The use shall not commence until the area(s) within the site shown on 3077-22A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

2 AL 8

Condition: Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the carriageway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

3 NOTE 02

Note 2: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's Central Area Manager must be contacted on Telephone: 01473 341414.

Further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Yours faithfully

Mr Kyle Porter
Development Management Technician
Highway Network Improvement Services
Economy, Skills & Environment

Consultee Comments for application 1835/14

Application Summary

Application Number: 1835/14

Address: Land adj 2 Riverside Cottage, Mendlesham Green, Mendlesham

Proposal: Erection of two-storey detached dwelling

Case Officer: Lisa Evans

Consultee Details

Name: Miss Carmel Driscoll

Address: Mid Suffolk District Council 131 High Street, Needham Market, Ipswich IP6 8DL

Email: carmel.driscoll@midsuffolk.gov.uk

On Behalf Of: MSDC - Planning Enforcement

Comments

There is no current or open enforcement case however previous enforcement case EN/09/00268 - Enforcement Notice was served against "operational development comprising of a two-storey dwellinghouse including integral garage together with the formation of a vehicular access and all associated foul sewerage and surface water drainage works" on the 16.01.2012.

This was appealed and the Enforcement Notice was upheld by the Planning Inspectorate on the 16.08.2012. The steps that were specified in the Enforcement Notice were fully complied with on the 05.06.2013.

No further comments.

PLANNING CONSULTATION RESPONSE

COMMUNITIES OFFICER (SPORT)

OPEN SPACE, SPORT AND RECREATION STRATEGY

1835/14 – MENDLESHAM

1. Policy background.

- 1.1 In 2006 a Leisure Consultant was commissioned by Mid Suffolk District Council to undertake an Open Space, Sport and Recreation needs assessment. This Needs Assessment, along with Consultation Statement and Sustainability Appraisal were adopted by MSDC in October 2006 (Executive summary attached). This study has been used to assist the Council in its approach to plan for future provision and the protection of sports and play facilities across the District. This assessment has been a key document feeding into the production of the Local Development Framework. In particular the policies covering developers contributions to facility development.
- 1.2 The above documents provided the evidence base for the Council's adopted Supplementary Planning Document for Social Infrastructure including Open Space, Sport and Recreation (implemented February 2007). It provides details of the required facilities under each of the categories for which developer contributions are required.
- 1.3 As a result of the above an 'Open Space, Sport and Recreation Strategy' has been adopted informing the Council of the districts current and future needs up until 2021. This strategy is a working document, which is continually monitored and updated.
- 1.4 This Strategy, as a result of significant community consultation, provides the Council with a clear indication of where new open space, sport and recreation facilities are needed in Mid Suffolk from 2007.
- 1.5 The Strategy is in accordance with the Council's adopted Supplementary Planning Document for Social Infrastructure including Open Space, Sport and Recreation (reported to Environmental Policy Panel February 2006 and adopted in October 2006 and implemented in February 2007).
- 1.6 Consultation responses will demonstrate a clear linkage between the contribution sought and the development proposed, providing up-to-date information which meets the statutory tests set out in regulations 122 and 123 of the CIL Regulations 2010.

2. 1835/14 – Mendlesham

- 2.1 The contribution for 1 x 3 bedroom dwelling (4 persons) in accordance with the Council's adopted Supplementary Planning Document for Social Infrastructure including Open Space, Sport and Recreation is £2,868.00. This is broken down as follows:

Play Areas	£	-
Outdoor Pitches (Football, Cricket, Rugby, Hockey)	£	-
Informal recreation space	£	-
Village Halls and Community Centre	£	1136
Swimming pools	£	384
Sports Halls	£	720

Outdoor other sports pitches (including tennis, bowls, netball and FMGA)	£	540
STP	£	88
Total	£	2868

3. Justification of Need

- 3.1 The Open Space, Sport and Recreation Strategy recognises the need to improve existing village hall facilities in the ward of Mendlesham. This includes the parishes of Mendlesham Cotton and Wickham Skeith. There is significant need in this locality for improvements to community facilities, which will be exacerbated by growth in the number of residents using the facilities.

The Community Centre in Mendlesham is part of a shared facility with the Primary School. Changes to the school system (removal of middle schools) will impact upon this facility and mean the community will need to fund a replacement Village Hall / Community Centre. There are plans underway to provide this replacement and a 10 year plan has been produced.

Cotton Village Hall will also require improvement in the coming years to enable it to continue to provide for local residents.

The Scout Hut is also in a very run-down state and requires improvement to provide a community facility for the scouts but also for Mendlesham Green which is physically distant from the main village. While there are existing needs for improvement, additional people will exacerbate the demand and create a need for more space.

Sports facilities also need major rejuvenation. There is a 5 year plan to achieve this and the village have been very pro-active, but additional residents will produce additional demand which will need to be accommodated. There is also a need for new pitches for which funding is being sought. In addition to grass pitches, there is also a need to improve and re-surface the existing tennis courts – again, while this need exists at present, additional residents will exacerbate that need proportionally.

Major new sports facilities are planned for Stowmarket in the evolving Stowmarket Area Action Plan. Contributions from across the district are being pooled to assist with the financial provision of these new facilities.

Six strategic Multi-use games Areas (with floodlighting) are proposed based on a sub-district basis. There are existing plans in the Mendlesham sub area for this provision, which are linked to the plans for rejuvenating all sports facilities in the village.

There are dedicated accounts to enable contributions to be accumulated to enable the above developments and improvements to be made.

EXECUTIVE SUMMARY (extracts from the Needs Assessment)

Playing pitches and other outdoor facilities

- Football - By 2021 there is an estimated requirement for 119 football pitches, comprising 60 senior and youth pitches, 37 junior and 22 mini over the whole district. There is thus a

projected shortfall of 26 pitches overall, comprising 27 junior and 2 mini. This can be alleviated by means of new pitch provision in appropriate locations, improvements to existing pitches to ensure more intensive or by bringing school pitches into secured community use.

- Cricket - Three additional cricket pitches can be justified to meet future needs, probably in the Stowmarket, Needham Market and Woolpit areas; giving a future pitch requirement of 21 in total. Some pitch and facility improvements are also required throughout the district.
- Rugby Union - Pitch provision for rugby union requires 6 pitches in total by 2021, or the equivalent of 2 additional pitches, to be located in Stowmarket, preferably in conjunction with the existing club, and some improvements to ancillary facilities are required.
- Hockey - One additional STP capable of accommodating hockey is required up to 2021 in the Stowmarket area, possibly in conjunction with a school site. Significant refurbishment and improvements are necessary to the existing hockey facilities at Weybread.
- Bowls - No additional bowls greens are required up to 2012, as the potential demand from the increasing and ageing population is likely to be met at existing greens and clubs. However quality improvements, including the possibility of enhancement of some greens to an all weather surface, are required. All existing greens should be retained to meet additional local need, and development programmes actively promoted, particularly among younger people.
- Tennis - To allow clubs to develop juniors, accommodate additional adult members and meet LTA priorities, a further 10 courts are required at existing clubs to 2021. All existing courts should be retained and where necessary improved and renovated, to permit recreational tennis and allow any casual play generated.
- Netball - Changes in demand for additional facilities for netball are unlikely to be significant, but any new facilities required should be provided in conjunction with a network on new FMGAs. No new courts specifically for netball are therefore considered necessary. Some minor quality improvements to existing courts and ancillary facilities are required.
- FMGAs - New 2 court FMGAs can be justified in 6 additional locations in the main towns and villages, and single courts should be provided in 9 further smaller villages, and improvements to some existing facilities implemented.

Informal recreation space

- The precise demand for casual informal recreational space in the future is difficult to predict accurately and the future standard based on existing provision throughout the district of 0.6 ha. per 1000 population is proposed. Meaningful provision of informal recreation space requires an area of at least 0.2 has, and it is likely that a development of 300 houses would be necessary to require on-site provision. In most cases therefore, accessible off-site provision is therefore more appropriate, though consideration should be given to the enhancement of existing areas as an alternative to new provision.

Play facilities

- TOPS and JOPs: The priorities for new junior and toddlers play facilities are the main settlements of Stowmarket and Needham Market, together with Bacton, Bramford, Claydon and Barham, Elmswell, Eye, Haughley, Thurston, Walsham le Willows and Woolpit..
- YOPS: The following settlements are large enough to justify at least one YOP but have no such provision currently: Bacton, Barham, Bramford, Claydon, Debenham, Elmswell, Gt Blakenham, Mendlesham, Stradbroke and Thurston, and enhanced provision should be made in Stowmarket and Needham Market.

Built facilities

- Sports halls - by 2021, 7 sports halls, comprising 28 courts, should be available throughout the district to meet the needs of the wider community. These should be located to satisfy demand from existing and future centres of population. A number of possible options are available to meet these requirements:

 - A replacement 6 court hall in Stowmarket or the addition of 2 courts at the existing Mid Suffolk Leisure Centre
 - Formal community use of the five existing halls on High School sites, including any necessary alterations and extensions to encourage and facilitate community use
 - Development of one/two court halls in 2 strategic locations in the rural areas.

In addition, it must be acknowledged that all the existing centres, which for the most part were built in the 1970s and 80s, will be coming to the end of their useful life by 2021 and will require at the very least significant refurbishment.
- Swimming pools – the apparent existing shortfall, coupled with significant population growth in the district, mainly in the larger settlements, suggests that further swimming provision could be justified, subject to more detailed feasibility. A number of options include:

 - Additional water space in Stowmarket, including the replacement of the existing pool by a larger facility
 - One or two new small community pools in strategic locations in the rural parts of the district (e.g. in the west), the A14 corridor (e.g. Needham Market/Claydon or Elmswell) or in conjunction with existing sports facilities on high school sites (e.g. Thurston), subject to formal Community Use Agreements

In addition, as with sports centres, the two existing pools will in any case require significant refurbishment by 2021 because of age, deterioration and changing demands.
- Indoor bowls - there are sufficient facilities in Mid Suffolk for indoor bowls now and up to 2021, although a growing and ageing population will increase demand and impose pressures on existing facilities, and there is no allowance made for any development initiatives planned by the centres and governing bodies which could stimulate participation. Over the timescale envisaged there will also be a need to consider refurbishment of both bowls centres.
- STPs - in accordance with a local standard of one STP per 30,000 population in Mid Suffolk, there is a shortfall of up to two STPs in the district. The options for future provision therefore include:

 - The provision of an additional STP in the Stowmarket area
 - The possibility, subject to a more detailed feasibility study, of one further STP on a high school site in conjunction with existing sports facilities, and the establishment of a formally adopted Community Use Agreements.

By 2021 (and indeed well in advance of this) significant refurbishment of the existing STPs at Weybread, including the short-term replacement of the existing sand filled surface, will be necessary.
- Village/community halls. Current provision of village halls and community centres in the district is estimated at about 1 hall per 1000 population or the equivalent of 150m² per 1000 population. This standard should be adopted for future provision, and used primarily to effect improvements to existing facilities to enable sport and recreation to take place in villages, though new provision might be justified in larger developments.

Future standards of provision

Future provision of sports and play facilities should be made in accordance with the following standards.

Table 1

Playing pitches	1.6 ha/1000
Other outdoor sport	0.12 ha/1000
FMGAs	0.04 ha/1000
All outdoor sport	1.76 ha/1000
Informal recreation space	0.6 ha/1000
Play	0.2 ha/1000
Sports halls	0.26 courts/1000
Swimming pools	9.18 m ² /1000
STPs	0.03 pitches/1000
Village/community halls	150 m ² /1000

**Changes made to tables 2 and 3 of the SPD to account for inflationary increases
2010/11**

Individual dwellings and up to 9 dwellings will contribute to:-			
	M ² per person	Provision cost £ per m ²	Contribution cost: £ per person
Village Halls and Community Centre	0.15	1,893	284
Swimming pools	0.00919	10,446	96
Sports Halls	0.0395	4,557	180
Outdoor other sports pitches (including tennis, bowls, netball and FMGA)	1.6	84.4	135
STP	0.18	122.2	22
TOTAL CONTRIBUTION PER PERSON			717

The table below shows the additional contributions required per person for developments of 10 or more dwellings (these will be combined with the table above):

Ten or more dwellings will also contribute to			
	M ² per person	Provision cost £ per m ²	Contribution cost: £ per person
Play Areas	2.0	159.5	319
Outdoor Pitches (Football, Cricket, Rugby, Hockey)	16.0	43.6	697
Informal recreation space	6.0	17	102
ADDITIONAL CONTRIBUTION PER PERSON			1118

Community Facilities, Open Space, Sport and Recreation Contributions			
Category	m ² per person	Provision cost: £ per m ²	Contribution cost: £ per person
Outdoor pitches	16.0	43.6	697
Outdoor other sports facilities	1.6	84.4	135
Children's Play	2.0	159.5	319
Village halls and community centres	0.15	1,893	284
Swimming pools	0.00919	10,446	96
Sports halls	0.0395	4,557	180

STP	0.18	122.2	22
Informal recreation space	6.0	17	102
TOTAL CONTRIBUTION PER PERSON FOR DEVELOPMENTS OF MORE THAN 10 DWELLINGS			1835



Appeal Decisions

Hearing held on 19 June 2012

Site visit made on 19 June 2012

by **Nigel Burrows BA MRTPI**

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

Decision date: 16 August 2012

Appeal Ref: APP/W3520/C/12/2170880 (APPEAL A)

Land and Building known as West Grove House, on land adjacent to 2 Riverside Cottage, Mendlesham Green, Mendlesham, Suffolk, IP14 5RF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Christopher Huntingford against an enforcement notice issued by Mid-Suffolk District Council.
- The Council's reference is EN/09/00268.
- The notice was issued on 16 January 2012.
- The breach of planning control as alleged in the notice is operational development comprising the building of a two-storey dwellinghouse including an integral garage, together with the formation of a vehicular access and all associated foul sewerage and surface water drainage works.
- The requirements of the notice are:-
 - Step 1. Demolish the unlawful dwellinghouse including the removal of all foundations and associated foul sewerage and surface water drainage works.
 - Step 2. Stop up the unauthorised vehicular access.
 - Step 3. Remove all materials resulting from Step 1 from the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld

Appeal Ref: APP/W3520/A/12/2170802 (APPEAL B)

Land adjacent to 2 Riverside Cottage, Mendlesham Green, Mendlesham, Stowmarket, IP14 5RF

- 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 Chris and Mrs Frances Huntingford against the decision of Mid-Suffolk District Council.
- The application Ref 3187/10, dated 25 October 2010, was refused by notice dated 22 August 2011.
- The development proposed is described as 'Erection of two storey dwelling including integral garage. Formation of vehicular access, parking and turning area and all ancillary works pursuant to section 73A of the Town and Country Planning Act 1990 (as amended)'

Summary of Decision: The appeal is dismissed

Procedural Matters

1. At the hearing an application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Background

2. The appeal relates to a recently constructed two-storey dwelling located on the south side of the main thoroughfare running through Mendlesham Green in Suffolk. The

building lies within a ribbon of properties at the western end of the village. It is bounded to the east by 'Crickhollow', and to the west is 2 Riverside Cottages. The exterior of the dwelling appears complete, although it has not been finished internally.

Planning History

3. There is an extensive planning history on the site which is documented in some detail in the submissions made on behalf of the main parties. This history appears to be well known to all of the parties in this appeal and does not need to be recited here at length. In summary, during August 2007 an occupier of 2 Riverside Cottages obtained outline planning permission (ref: 1894/07) for the erection of a detached dwelling on adjacent garden land to the east. During March 2009, one of the appellants secured the Council's approval (ref: 0087/09) of the matters reserved under the outline permission.
4. The appellants obtained Building Regulations approval for the development and work commenced. In September 2009, a Planning Officer advised the appellants' agent there were discrepancies between the approved plans and the works being undertaken. During March 2010, the Council issued a Temporary Stop Notice alleging the erection of a dwelling without planning permission and the failure to adhere to the approved plans.
5. The appellants' Planning Consultant subsequently became involved. He concluded that, irrespective of the Council's concerns about the dimensions of the dwelling, it had not been sited in the position approved under the terms of the 2007 outline permission. A survey was commissioned to establish the extent of the discrepancies; legal advice was also obtained and discussions took place with the Council. A further application (ref: 2533/10) was made for the approval of reserved matters pursuant to the outline planning permission, which was approved in February 2011. The appellants indicate this approval remains extant and a development of the 'original' site can be carried out.
6. As indicated in the bullet points above, Appeal A is against the issuing of an enforcement notice alleging the erection of a two-storey dwellinghouse without planning permission (including an integral garage and various associated works). As such, it should be borne in mind the deemed application in this case is for the 'as built' scheme. However, Appeal B, in effect, arises from the Council's refusal to subsequently grant planning permission for various modifications proposed to the 'as built' scheme.

Differences between the approved scheme and the dwelling 'as built'

7. According to the Council, there are numerous differences between the approved development and the dwelling 'as built'. The flank elevation of the existing dwelling is about 4.11m closer to 'Crickhollow' (which is not in dispute). The Council claims the dwelling is about 400mm higher; the appellants say it is 200mm higher at the most. The appellants also refute the Council's suggestion that its eaves height is 200mm higher and its south east elevation is 110mm deeper. Be that as it may, I sought clarification as to whether the dwelling was sited further forward. The Council accepted that it was about 1.0m further forward, although the appellants' Consultant considered the approved drawing was 'wrong and inaccurate'. The Council has also cited other detailed differences, including the form and disposition of the windows of the dwelling.

The section 174 ground (a) appeal and deemed application (APPEAL A)

8. There are two main issues in this appeal. The first is the implications of the existing development for the living conditions of the adjoining residents at 'Crickhollow', with particular reference to their outlook. The second main issue is the effect of the development on the character and appearance of the surrounding area.

Issue 1: Living Conditions

9. In the context of this issue, the Council's main concern appears to be the effect of the development upon the outlook of the occupiers of 'Crickhollow'. I share this concern.

10. I consider the extensive flank elevation of the dwelling and its close proximity to the boundary of 'Crickhollow' has created an oppressive sense of enclosure along this boundary. The bulk and massing of the dwelling has an overbearing and dominating visual impact, to the extent that it significantly impinges on the outlook of the adjacent residents from their immediate rear garden (which appears to be a highly valued private amenity space). The appellant claims the dwelling is to 'all intents and purposes' identical to that permitted by the Council - albeit it was permitted slightly further away. However, there is no dispute it is about 4.11m closer to 'Crickhollow'.
11. The outcome is that the dwelling appears to be crammed in against the boundary, especially its south east corner. There appears to be little opportunity for any significant screen planting between the building and this boundary. The mixed planting within the neighbour's garden affords little screening of the dwelling. The dwelling constitutes an unneighbourly form of development, which significantly harms the living conditions of the adjoining residents due to its overbearing and dominating impact.
12. The submissions for the Council allege the dwelling would result in 'perceived overlooking' and overshadowing. However, the dwelling has evidently been designed to ensure the ground and first floor windows to habitable rooms are mainly orientated to the front and rear; whilst there might be some oblique aspect over the common boundary, this would not be sufficient to seriously intrude on the privacy of the neighbours. Any 'perceived overlooking' from the narrow flank windows could be addressed by a planning condition requiring them to be obscure glazed and non-opening. The dwelling may overshadow 'Crickhollow' during the late afternoon or evening, but this would be unlikely to seriously harm the neighbours' living conditions.
13. Nevertheless, I conclude the overbearing and dominating impact of the dwelling is a compelling objection to the scheme. It conflicts with the aims of 'saved' policies H13 and H16 of the Mid Suffolk local Plan (1998) to ensure residential amenity is protected.

Issue 2: Character and appearance

14. The traditional pattern of ribbon development within Mendlesham Green appears to have been consolidated over the years by infilling and small-scale housing development. However, the site lies within a part of the settlement which still retains something of its traditional village character. The dwellings on each side of the site are older-style village properties; their main ranges are generally linear in form and modest in scale, which contributes to their harmonious character. The properties have simple facades and 'cottage style' proportions including upper floor windows tucked up under relatively low eaves. There is a wider mix of properties on the opposite side of the lane including modern, larger scale infill dwellings with a variety of architectural styles.
15. The dwelling which has been erected on the site appears significantly more imposing than the traditional village properties on either side due to its scale and bulk. The imposing scale of this dwelling is accentuated by its overall ridge height and by its projecting gabled wing. The dwelling has a relatively plain façade reminiscent of the cottages to the west and the palette of materials used on its external elevations is not dissimilar. However, its overall scale and projecting wing contributes to its unduly assertive and dominating presence between the adjoining older-style properties.
16. Whilst the scale and design of this dwelling might be appropriate in some locations, it constitutes a clear and abrupt change in the scale and character of housing within this part of the village. This is readily apparent when approaching from the east, where the dwelling can be seen rising above the adjacent cottages, despite the general fall in levels to the western end of the village. This difference appears less marked when approaching from the west; the dwelling filters views of 'Crickhollow' and appears to be part of the general progression of housing rising up the lane. However, the abrupt change in the scale and character of housing becomes noticeable nearer to the site.

17. Notwithstanding the presence of the modern dwellings on the opposite side of the lane and elsewhere in the village, I conclude the existing dwelling is inappropriate to its particular context and it harms the character and appearance of this part of the village.
18. In this respect the development conflicts with the objectives of policy CS5 of the Council's Core Strategy (2008) which requires all development to maintain and enhance the environment and retain local distinctiveness. It also conflicts with the aims of 'saved' policies GP1, H13, and H15 of the Council's Local Plan which, amongst other things, seek to ensure that proposals maintain or enhance the character and appearance of their surroundings, complement the scale and form of traditional buildings in the area and are consistent with the pattern and form of development.

Other Considerations

19. The appellant argues a potential 'fallback' position should be taken into account, namely the extant permission for a dwelling. However, the indications are this would be in a different position to the existing dwelling and, amongst other things, its impact on the occupiers of 'Crickhollow' would be significantly less. Consequently, the existence of the extant permission is not a positive factor in favour of allowing the current appeal.

Conclusions

20. In view of my findings on the two main issues, I conclude the ground (a) appeal and the deemed application for planning permission should not succeed.

The section 78 appeal (APPEAL B)

21. The appellants propose various modifications to the existing dwelling. These include the provision of obscure glazing to windows on the south east flank elevation, the provision of hipped ends to the main roof and the projecting front wing, together with the provision of pargetting upon the flank elevation facing 'Crickhollow'.
22. The main issues in this appeal are the same as those set out in paragraph 8 above. With respect to the first issue, the proposed modifications would not be sufficient to reduce the overbearing and dominating visual impact of the development upon the occupiers of 'Crickhollow'. It would continue to impinge upon the outlook of these residents, to the extent that it would significantly harm their living conditions.
23. Turning to the second issue, the introduction of hipped ends to the main roof and the projecting front wing would slightly soften the profile of the dwelling. However, the provision of pargetting on its flank elevation is of questionable benefit. In any event, these modifications would not be sufficient to successfully assimilate the dwelling into this locality. It would continue to constitute a clear and abrupt change in the scale and character of housing within this part of the village and would remain unduly intrusive.
24. I conclude the modifications to the dwelling would not overcome the objections I have identified in relation to Appeal A. Moreover, for the reasons given in relation to Appeal A, the existence of an extant permission for a dwelling is not a positive factor in favour of allowing this proposal. The development conflicts with the aims and objectives of the relevant development plan policies that I have addressed in the context of Appeal A.
25. I do not accept the appellants' argument that the Council's planning policies should be given little weight. At the hearing it was claimed they are 'more draconian' than the policies in the National Planning Policy Framework (NPPF)¹; it was also claimed that these policies are not up to date and do not accord with the NPPF. However, despite the age of the relevant development plan policies they remain broadly consistent with the objectives of the NPPF. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development should be addressed. Paragraph 9 makes it clear that

¹ Published in March 2012

pursuing sustainable development includes seeking positive improvements in the quality of the built environment as well as improving people's quality of life. I am firmly of the opinion that the development subject of the appeals is contrary to these aims.

The section 174 ground (f) appeal (APPEAL A)

26. The issue under the ground (f) appeal is whether the steps required by the enforcement notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any injury to amenity caused by the development.
27. The appellant contends that it is unreasonable for the Council to require the demolition of the dwelling, especially as there are opportunities to modify it. The appellant's stance is that all of the amendments suggested by the Council have been incorporated into the proposal subject of Appeal B. However, I have concluded the modifications proposed to the dwelling would not overcome the objections to the development.
28. At the hearing it was suggested the requirements of the notice should be varied to require alterations to the existing dwelling in accordance with the 'approved plan'. However, one of the appellants' main concerns raised in their appeal submissions has been the alleged deficiencies in the earlier planning applications and approved plans.
29. The steps required by an enforcement notice should be clear and unambiguous. However, I have not been provided with sufficiently precise or objective criteria to enable the requirements of the notice to be varied. Whilst there is no dispute that the dwelling is about 4.11m closer to 'Crickhollow', in other respects, there does not appear to be any firm agreement between the parties concerning the modifications that would be required to ensure the development accords with the 'approved plan', or how this could be achieved. As matters stand, I conclude the requirements of the enforcement notice are not unduly onerous or excessive. Lesser steps would not remedy the breach of control, or the injury to amenity. The ground (f) appeal fails.

Overall Conclusions

30. For the reasons given above, I conclude the enforcement notice should be upheld and the deemed planning application arising from Appeal A should be refused. I further conclude that Appeal B should be dismissed.
31. I have taken into account all the other matters raised in the representations and at the hearing, including the planning history of the development, the alleged deficiencies in the earlier planning applications and approved plans, together with the Planning Officers' favourable recommendation on the scheme to modify the dwelling, but I find they do not alter or outweigh the main considerations that have led to my decisions.

Formal Decisions

Appeal Ref: APP/W3520/C/12/2170880 (APPEAL A)

32. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal Ref: APP/W3520/A/12/2170802 (APPEAL B)

33. I dismiss the appeal.

Nigel Burrows

INSPECTOR

APPEARANCES**FOR THE APPELLANT:**

Mr J Peacock Dip EP MRTPI

Peacock Short Ltd Property Solutions

FOR THE LOCAL PLANNING AUTHORITY:

Mr E Gittins BA (Hons) DipTP FRTPI

Planning Consultant to Mid-Suffolk District Council

Mr J Greenhow

As above

Mrs C Driscoll

Planning Enforcement Officer, Mid-Suffolk District Council

INTERESTED PERSONS:

Cllr Mr A Stringer

Mid-Suffolk District Council

Cllr Mr R Melvin

As above

Mr C Smith

Local Resident

Mr T Moore

Mendlesham Parish Council

Mrs C Triscott

Local Resident

Mrs Wilson

Local Resident

Mr Wilson

Local Resident

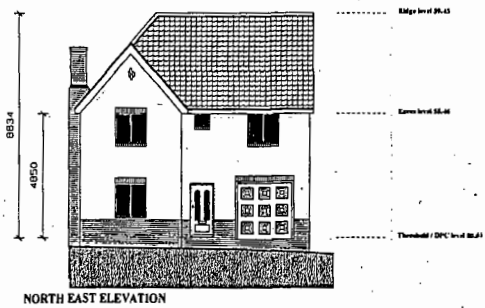
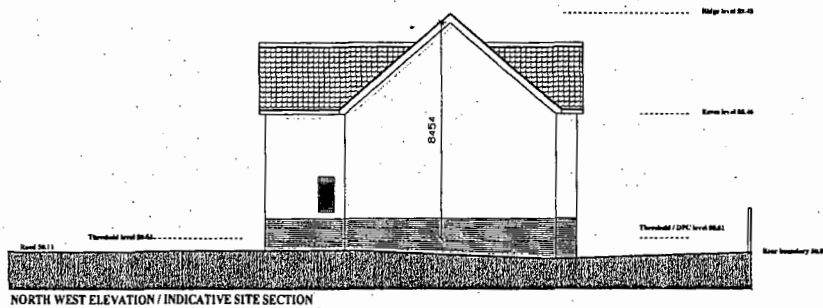
DOCUMENTS SUBMITTED AT THE HEARING:

Document 1 Costs application submitted by Mr Peacock

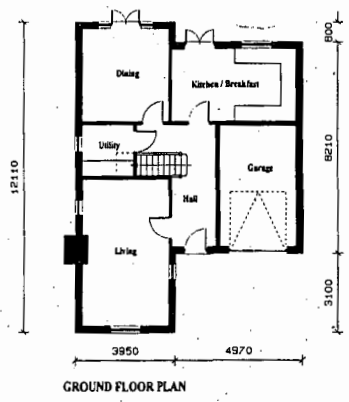
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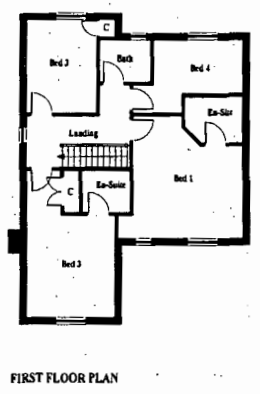
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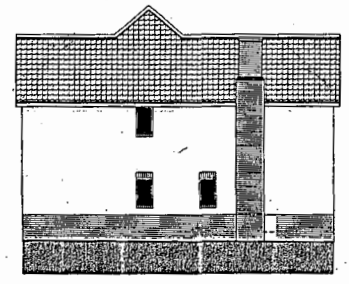
ALL NOTED LEVELS TAKEN FROM E.A.L.S. TOPOGRAPHICAL SURVEY



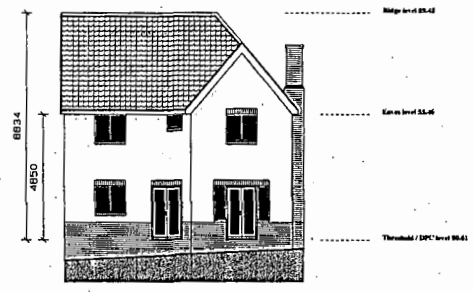
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION

Note: Vertical heights taken from topographical survey threshold level 20.41 (Existing ground level stripped and varied)

AMENDED PLAN

MID-SUFFOLK
 ARCHITECTS
 12 JAN 2011

2 June 2011 - Layout amended to Planning Conditions on the recommendations
 19 June 2011 - CPC added
 17 Dec 2010 - Unusual low amended to existing Topo survey levels. Allow and allow amended to include from new threshold levels
 8 Oct 2010 - Site services added, walls and timber & materials amended
 1 Oct 2010 - Dimensions and general schedule added

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PROPOSED DWELLING
 KAYS HILL, MENDELSHAM GREEN, SUFFOLK

EXISTING DWELLING
 PEECOCK SHORT / HUNTINGFORD

3077-06E

EXTERNAL MATERIALS:
 Roof - Marley Lactor Drows concrete interlocking tiles
 Walls - Soft red brick piers, wood beam half-bred cement render painted white
 Windows - Brown PVCU

91
 PLANNING HISTORY
 315711D