

Appeal Decision

Site visit made on 13 December 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 11 January 2017

Appeal Ref: APP/T3535/D/16/3157626

1 Mackenzie Mews, 58 High Street, Southwold, Suffolk IP18 6DN

- 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 Miss Shirley Ann Foley against the decision of Waveney District Council.
 - The application Ref DC/16/2492/FUL, dated 13 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is the erection of a first floor extension (ground floor courtyard area remains unchanged and undeveloped, except for supporting pillars to preserve the existing two parking spaces).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area, including its effect on the Conservation Area and the setting of the adjacent listed building; and
 - ii) the effect of the proposal on the living conditions of adjacent occupants.

Reasons

Character and Appearance

3. The appeal site is within the Southwold Conservation Area which in the vicinity of the site is characterised by 19th century or earlier development built up to the street frontages. On High Street most of the buildings are in retail use. There are examples of contemporary architecture which contrast with the traditional buildings, notably on Victoria Street. The appeal property is a mews house adjoining a courtyard which is to the rear of frontage development on High Street. This and the adjoining house have been finished in a contemporary style with a central projection at first floor level faced in timber and contrasting with the rendered finish of the remainder of the main elevation.
 4. Sutherland House, which is listed at grade II* is adjacent to the site. This is of some age and has a long rendered frontage of two storeys fronting onto High Street. To the rear of that building I saw on my visit that there are some extensions which are separated from the site by a high brick wall.
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5. The two mews houses are of modest scale and face onto the courtyard which is of limited size. The first floor projection provides a symmetrical feature of appropriate scale to the building. The proposal would be faced in timber similarly to the existing front projecting element and of a contemporary design. However the scale of the proposal would be significant in relation to the building. It would extend substantially towards the opposing boundary of the courtyard and would add considerable bulk at first floor level. It would be somewhat overpowering and dominant in relation to the modest scale and proportions of the existing building and in the context of the limited and enclosed space of the courtyard.
6. The proposal would be clearly visible from High Street along the access drive although it would be largely screened from view from Victoria Street to the rear by existing buildings. For the reasons given I find that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area.
7. The site is in close proximity to the adjacent listed building and is viewed from High Street in association with that building. Buildings to the rear also have uninterrupted views towards the rear of the listed building. The bulky and dominant nature of the proposal would detract from views of the listed building and would obstruct views from the rear. For these reasons the proposal would harm the setting of the listed building.
8. The harms to the Conservation Area and the setting of the listed building would be less than substantial given the siting of the proposal to the rear of the street frontage and its separation from the listed building by the boundary wall. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework) those less than substantial harms must be weighed against any public benefits of the proposal.
9. The proposal would be of benefit to the appellant in providing a larger unit of housing given the difficulties she experienced in converting the property. It would also add to the housing stock but there is no evidence before me of any shortage in this regard. I can only give limited weight to any benefit in this regard.
10. The appellant has provided photographs which demonstrate that the rear patio doors and windows in the newly built house to the rear on Victoria Street are visible from her existing first floor window. The proposal would remove any possibility of overlooking but any views are at an oblique angle such that unacceptable overlooking would be unlikely. For this reason I give limited weight to this benefit.
11. The limited weights that I give to the public benefits I have identified are not sufficient to outweigh the great weight that I give to the conservation of the Conservation Area and the setting of the listed building in accordance with the Framework.¹
12. The appellant has referred to an approved extension to 2 Mackenzie Mews but details of that scheme are not before me so I cannot take this into account. For the reasons given the proposal would unacceptably harm the character and appearance of the area. Policy CS02 of the Waveney Core Strategy (CS)

¹ Framework paragraph 132

(2009) requires high quality design that improves the character and appearance of the area and protects historic character. Policy DM02 of the Waveney Development Management Policies (DMP) (2011) requires development including extensions to be in keeping with the scale, character, layout, site coverage, height and massing of existing buildings. Policies CS17 of the CS and DM30 of the DMP require conservation or enhancement of Conservation Areas and listed buildings. For the reasons given the proposal would not accord with those policies.

Living Conditions

13. The rear first floor windows of the adjacent dwelling overlook the courtyard but this is a parking area rather than a private garden. The proposal would be of some benefit in terms of removing potential for overlooking between the existing properties but this would be limited.
14. On the other hand the proposed extension would block outlook from the rear windows of the adjacent house. The outlook from those windows would be particularly oppressive and the close proximity of the extension to the windows would have the potential to reduce daylight to that property to an unacceptable extent. These effects would outweigh any benefit in terms of privacy to either property.
15. For these reasons the proposal would unacceptably harm the living conditions of the adjacent occupants. The proposal would not accord with policies CS02 of the CS and DM02 of the DMP which require protection of neighbours' amenity including in terms of outlook and light.

Other Matters

16. I note that late comments were accepted by the Council but the Council has a duty to consider all comments irrespective of whether they were submitted within the deadline given. I have taken into account all other matters raised but they do not alter my conclusions on the main issues.

Conclusion

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

Nick Palmer

INSPECTOR