

Appeal Decision

Site visit made on 28 February 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/T3535/D/16/3163626

1 Mackenzie Mews, 58 High Street, Southwold 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/16/3605/FUL, dated 28 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is a first floor extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at 1 Mackenzie Mews, 58 High Street, Southwold IP18 6DN in accordance with the terms of the application, Ref DC/16/3605/FUL, dated 28 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Ground Floor Layout dated 28/8/2016, Proposed 1st Floor Layout dated 28/8/2016, Proposed Side Elevation dated 28/8/2016 and Proposed Revised Front Elevation/Revised Rear Elevation dated 28/8/2016.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in the appeal are the effects of the proposal on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of adjacent occupants.

Reasons

Character and Appearance

3. The appeal dwelling is one of a pair of mews houses which are to the rear of 58 High Street and accessed via a drive to the side of that building and a rear courtyard/parking area. The dwellings have a cantilevered bay at first floor level which is faced with timber cladding, the remainder of the front elevation being rendered. To the immediate rear of the courtyard and adjacent to the
-

appeal property is a two storey house whose rear first floor windows face the courtyard. Next to the site is Sutherland House which is a grade II* listed building. The rear of that building is separated from the appeal site by a high wall. The site is within the Southwold Conservation Area.

4. In a previous appeal¹ for a larger first floor extension at the site I found that that proposal would have been harmful to the character and appearance of the area as a result of its scale both in relation to the existing building and the courtyard. However the proposal would be of a significantly reduced size in comparison to that scheme. It would project forward of the existing first floor bay by only a limited amount. As such it would not be out of scale or unduly dominant in relation to its surroundings and the openness of the courtyard would be maintained.
5. The extension would be in close proximity to the two neighbouring buildings to the rear, but 5 Victoria Street appears to adjoin the appeal property and the extension would overlap the other adjacent house only to a limited extent. The extension would be separated from the rear of the listed building by the high boundary wall. The pattern of development in the area is generally closely built with limited amounts of space to the rear of buildings and the proposal would not be out of character in this context.
6. The proposed design and materials to be used would be sympathetic to the existing building. The proposal would be visible along the access drive from High Street but for the reasons given I find that it would preserve the character and appearance of the Conservation Area.
7. The Council has not commented specifically regarding the effect of the proposal on the setting of the adjacent listed building. However for the reasons given the proposal would not harm the setting of that building.
8. The proposal would accord with the requirements of policy CS17 of the Core Strategy² and policy DM30 of the Development Management Policies³ which require preservation and enhancement of the character and appearance of Conservation Areas and protection of the setting of listed buildings. The proposal would reflect local character and would be sympathetic to the site and its surroundings, in accordance with policy CS02 of the Core Strategy and policy DM02 of the Development Management Policies. For the reasons given I find that the proposal would not adversely affect the character and appearance of the area.

Living Conditions

9. The elevation drawings show that the extension would not overlap the rear first floor windows in the adjacent dwelling. The outlook from those windows would be maintained and although the extension would be visible from them this would be at an angle. For this reason the proposal would not be unduly overbearing when seen from those windows.
10. No evidence has been put forward to demonstrate that the proposal would have any unduly adverse effect on the neighbour in terms of sunlight or daylight. The extension would be to the south/south-east of the adjacent

¹ APP/T3535/D/16/3157626

² Waveney Core Strategy (2009)

³ Waveney Development Management Policies (2011)

house which I saw on my visit is set back a short distance from the boundary fence. Because of the orientation any effect on sunlight or daylight to the adjacent property would be limited and importantly an open aspect would be maintained.

11. For these reasons I find that the proposal would not unacceptably adversely affect the living conditions of the adjacent occupants. The proposal would accord with policy CS02 of the Core Strategy and policy DM02 of the Development Management Policies which require protection of the amenity of neighbours.

Conditions

12. I have imposed conditions requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and for the external materials to match the existing building to ensure that its appearance is acceptable.

Conclusion

13. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR