

Appeal Decision

Site visit made on 23 November 2017

by K E Down MA (Oxon) MSc MRTPI

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

Decision date: 30 November 2017

Appeal Ref: APP/E3525/D/17/3179306
5 West Road, Bury St Edmunds, IP33 3EL

- 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 Mrs D Cope against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/17/0354/HH, dated 17 February 2017, was refused by notice dated 1 June 2017.
 - The development proposed is erection of a single storey side extension, raising of rear lean-to roof height, replacement front door, replacement of 2no front windows, insertion of 2no roof lights to the rear and new timber gate and fence.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension, raising of rear lean-to roof height, replacement front door, replacement of 2no front windows, insertion of 2no roof lights to the rear and new timber gate and fence at 5 West Road, Bury St Edmunds, IP33 3EL in accordance with the terms of the application, Ref DC/17/0354/HH, dated 17 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 461.17.01 Rev B, 461.17.02 Rev C, 461.17.03 Rev C and 461.17.04.
 - 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. There are two main issues. Firstly, the effect of the proposed side extension on the character and appearance of the host dwelling, the terrace of which it forms part and the surrounding area, including the Bury St Edmunds Victoria Street Conservation Area; and secondly, the effect of the proposed side extension on the living conditions of occupiers of the other dwellings in the terrace with respect to pedestrian access.
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Reasons

3. The appeal proposal includes a number of elements. The reasons for refusal relate only to the proposed side extension. I agree that the other proposals for the raising of the rear lean-to roof height, a replacement front door, two replacement front windows, two roof lights to the rear and the erection of a new timber gate and fence would be acceptable. I shall therefore restrict my further consideration to the proposed side extension.
4. The appeal dwelling is a traditional, Victorian, end of terrace house set in an established street of traditional houses of similar age but various sizes and designs. It lies within the Bury St Edmunds Victoria Street Conservation Area (CA).
5. The proposed side extension would lie adjacent to an existing one and two storey rear projection. It would be between 1.322m and 1.225m wide and would project into the existing side passage which provides access to the rear gardens of the appeal dwelling and the other three dwellings in the terrace. The existing passageway is just over 2m wide at its widest point, narrowing to about 1.5m where it adjoins the street. The passageway would be reduced to some 0.85m adjacent to the proposed extension.
6. The extension would be set well back from the street and well behind the front elevation of the existing dwelling. It would be a small addition to the host dwelling that would be in keeping in terms of design and subservient in scale. The separation between the extension and the side boundary would be sufficient to ensure it did not appear cramped. It would be glimpsed from the street but its limited size and distance of set back would ensure that it did not appear prominent or incongruous, either as an addition to the dwelling and terrace or in the street scene. I note that the Council's conservation officer raised no issues in relation to the side extension.
7. It is concluded on the first main issue that the proposed side extension would have no materially detrimental effect on the character or appearance of the host dwelling, the terrace of which it forms a part or the surrounding area. Moreover, it would preserve the character and appearance of the CA. In consequence there would be no conflict with Policies DM2 and DM24 of the Forest Heath and St Edmundsbury Local Plan, Joint Development Management Policies Document (LP), 2015, or the National Planning Policy Framework (NPPF) insofar as they expect extensions to respect the character, scale and design of existing dwellings and the character and appearance of the surrounding area such that they promote or reinforce local distinctiveness and a sense of place, preserve or enhance the setting of conservation areas and do not result in an overdevelopment of the site,.
8. Turning to the effect on the living conditions of neighbours, the proposed side extension would reduce the width of the shared passageway which provides pedestrian access between the street and the rear of the dwellings. Neighbouring occupiers are concerned that this would make access to and from the modest rear gardens and for wheelie bins difficult. However, the remaining width of some 0.85m would be ample to accommodate a standard domestic wheelie bin, a bicycle or most domestic wheelbarrows, lawn mowers and other

garden paraphernalia. It would also be sufficient to provide access for maintenance to the rear of the dwellings.

9. Neighbours mention specific concerns such as the transport of beehives and access for disabled people and query whether the proposed extension would comply with Building Regulations. However, it appears that the beehives can be transported on a wheelbarrow and there is no evidence that this would not still be possible. In terms of disabled access, I have no evidence of any specific needs and I am satisfied that the dwellings would remain accessible even with the reduced width of the passageway. Indeed, the appellant is, according to the evidence, a wheelchair user. Finally, compliance with Building Regulations would be a matter for Building Control. Council officers point out in evidence that they do not consider it unusual for terraced properties to have rear access only through the dwelling. In this case a useable outside access would remain. I am not therefore convinced by the evidence that any significant difficulty would arise.
10. It is therefore concluded on the second main issue that whilst the reduction in width would be noticeable and might cause some inconvenience it would not materially harm the living conditions of occupiers of the adjoining dwellings with respect to pedestrian access. In consequence there would be no conflict with LP Policy DM24 or the NPPF insofar as they seek to secure a good standard of amenity for existing and future occupants and resist development that would adversely affect the residential amenity of occupants of nearby properties.
11. Third parties argue that there is a legal right of way over the shared access that would be interfered with and that there is also a shared mains drain that would be built over. However, these are civil matters, beyond the scope of the planning system, which would need to be resolved between the relevant parties. Planning applications must be determined in accordance with the Development Plan and any other material planning considerations, which I have done in this case.
12. The Council suggests three conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans in order to provide certainty. I also agree that the materials to be used in the external surfaces of the extension should match those used in the existing building in order to preserve the character and appearance of the dwelling and the surrounding area, including the CA.
13. I am not, however, convinced that a restriction on hours of demolition or construction is necessary in the context of the small development proposed and I shall not therefore impose the suggested condition.
14. For the reasons set out above and having regard to all other matters raised, including the representations of the Bury St Edmunds Town Council, I conclude that the appeal should be allowed.

KE Down
INSPECTOR

