



Appeal Decision

Site visit made on 8 July 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/T3535/W/19/3225990

Clare House, Broadview Road, Lowestoft, NR32 3PL

- 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 C Godbold against the decision of Waveney District Council.
 - The application Ref DC/18/4962/FUL, dated 2 December 2018, was refused by notice dated 21 February 2019.
 - The development proposed is new dwelling and replacement garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling and replacement garage at Clare House, Broadview Road, Lowestoft, NR32 3PL in accordance with the terms of the application, Ref DC/18/4962/FUL, dated 2 December 2018, 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 reference CHPa, dated November 2018; CHPb dated November 2018; CHPc dated November 2018, revised February 2019; and CHPd dated January 2019.
 - 3) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or structure permitted by Class A (extensions) or Class B (changes to the roof) of Schedule 2 Part 1 of the Order shall be carried out without the grant of planning permission by the local planning authority.
 - 5) The development hereby permitted shall not be brought into use until the new vehicular access has been laid out and completed in all respects in

accordance with Suffolk County Council Highways Drawing No.DM03 with an entrance width of 3m and has been made available for use. Thereafter the access shall be retained in the specified form.

- 6) The development hereby permitted shall not be brought into use until the new vehicular access onto the highway has been properly surfaced with bound material for a minimum distance of 5m from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Main Issue

2. The issue in this case is the effect of the proposed dwelling on the living conditions of neighbours to the north, on Romany Road.

Reasons

3. At the time that the decision was made on the appeal application, the main relevant policy was Policy DM02 (Design) of the Development Management Policies Development Plan Document adopted January 2011. However, the replacement Waveney Local Plan (WLP) was adopted on 20 March 2019 and becomes the development plan for the area. The replacement design policy from this plan is Policy WLP8.29, which essentially carries the previous policy forward, seeking to *"Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development"*.
4. The appeal proposal is for a bungalow form with first floor accommodation set into the roof. The new house would occupy the side garden of Clare House, following the demolition of the existing garage. The 2 neighbouring dwellings to the north, which are the concern of the Council, are Nos. 17 and 19 Romany Road. The boundary between the appeal site and these 2 houses is delineated by a close-boarded fence approximately 2m high. Immediately beyond this fence, in the rear garden of No. 17 Romany Road, is a substantial garage-like structure, taller than the fence. Behind the fence on the boundary with No.19 Romany Road there is a row of conifers.
5. The proposed bungalow is designed with a pitched roof running across the front, so that the elevation facing north is a gable, the upper part of which is devoid of openings. This gable stands about 1m from the boundary, but because of the brick building in the garden of No. 17, I consider that there would be no appreciable effect on this neighbour in terms of being over-bearing or loss of daylight or sunlight to the garden amenity area.
6. The rear part of the proposed bungalow extends out under a pitched roof, so that the plan of the dwelling is in the form of a 'T'. This part is narrower, and is set in from the boundary with No. 19 Romany Road by some 2m and extends barely half way across the rear garden of that property. This rearward projection has only a rooflight set into the slope facing No. 19 which is a secondary window to a bedroom. There is also a chimneystack on this elevation, but I do not consider that this has any effect on the neighbouring dwelling, and since the roof plane slopes away from the boundary, there would be no deleterious effect on daylight/sunlight to the garden of No. 19. Furthermore, there would be little if any effect on the outlook from this property because of the screen of trees in its garden.

Other Matters

7. As to the effect of the proposed development on the existing Clare House, it appears to me that there would remain adequate separation from the new bungalow and the amount of external amenity space would be adequate for both dwellings. Because of the amount of planting along the frontage, I consider that the 2 dwellings would not have an undue impact on the street scene or harm the outlook from surrounding properties. Whilst this is a reasonably low density area, this is largely because of plot size, rather than the properties being widely spaced. For these reasons I do not consider that the appeal proposal would be harmful to the continued enjoyment of Clare House or appear alien to the form and character of the area.

Conclusion

8. The only reason for refusal related to the potential effect on the living conditions of the 2 neighbouring properties that I have dealt with above. For the reasons that I have given, I find that there would be no harmful effect on the amenity of the neighbouring occupiers, either in respect of their enjoyment of the gardens or their outlook from the houses. Therefore I find no conflict with Policy WLP8.29 of the WLP and allow the appeal subject to conditions that I deal with below.

Conditions

9. A number of conditions have been suggested by the Council. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. I consider that conditions are required to specify the approved plans to provide certainty as to what is approved; to deal with any unexpected contamination that might be found so as to ensure that risks from land contamination to future users of this and other neighbouring land are minimised, together with controlled waters, property and ecological systems, and to ensure the safety workers and other off-site receptors; to ensure that there are no modifications to the roof or extensions are erected without the prior approval of the local planning authority so as to avoid any unforeseen impact on the area; and to ensure that an adequate access, suitably surfaced, is provided to the highway to avoid risks to road safety.

Terrence Kemmann-Lane

INSPECTOR