
Appeal Decision

Site visit made on 21 January 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 31st January 2020

Appeal Ref: APP/F3545/D/19/3240692

Rawhide, Lower Street, Cavendish CO10 8AG

- 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 Ms P. Lovejoy against the decision of West Suffolk Council.
 - The application Ref DC/19/1688/HH, dated 13 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Rawhide, Lower Street, Cavendish CO10 8AG in accordance with the terms of the application, Ref DC/19/1688/HH, dated 13 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: 9161/19/2 and 9161/19/3.

Main Issues

2. While I note the reason for refusal, from the wider evidence the main issues are:
 - the effect of the proposed development on the character and appearance of the host building and surrounding area; and
 - the effect of the proposed development on the living conditions of the neighbouring occupiers at Clog Cottage with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal property, Rawhide, lies in an area characterised by modest two storey dwellings that are varied in form, materials and appearance but traditional in style such that the area has an attractive, varied and residential character and appearance.
4. The proposal consists of a single storey rear extension that would occupy the space between a single storey projection at the rear of the property and the boundary fence shared with the adjacent property, Clog Cottage. The host

building is two storey with a pitched roof, and the single storey rear projection also has a pitched roof. The proposed extension would have a flat roof that would be a similar height to the eaves of the existing rear projection.

5. I note the position of the proposal hard on the boundary with Clog Cottage. However, given the height of the proposal near the eaves of the rear projection and that it would not extend beyond the rear limit of the existing single storey projection, the extension would not appear overly large when viewed against the host building or surrounding properties. Furthermore, given the varied character and appearance of the area and that the proposal would not be readily visible from the street or neighbouring properties, the proposed flat roof extension would not appear excessive in scale or form when viewed against the terrace.
6. Consequently, the proposed development would not harm the character and appearance of the host building or surrounding area. Therefore, it would not conflict with Policy DM2 of the Joint Development Management Policies Document February 2015 (DMPD) which among other things requires developments to respect the scale and density of the locality. It would also not conflict with DMPD Policy DM24 which requires alterations or extensions to dwellings to respect the character and appearance of the immediate and surrounding area. The proposal would also not conflict with the National Planning Policy Framework (Framework) in this regard.

Living conditions

7. The rear of Clog Cottage including its rear projection roughly mirrors and is of a similar scale to Rawhide. The proposed extension would project a short distance above the tall shared boundary fence between the two properties.
8. From the evidence before me and my observations during the site visit, the rear projection of Clog Cottage appears to be a multi-purpose space with double doors to the rear. The proposal would be visible from within this building, however, given that it would project only a modest distance above the fence and the dual-aspect nature of the space, the outlook from within Clog Cottage would not be unduly diminished as a result.
9. Clog Cottage benefits from a rear garden of significant depth such that the outlook from the courtyard space extends along the length of the rear garden. Therefore, while I note the depth of the proposed extension, given the modest projection of the proposal above the shared fence and the significant length of the rear garden of Clog Cottage, the proposal would not unduly affect the outlook from the courtyard area.
10. Turning my attention to light, while the levels of light to the rear projection of Clog Cottage may be diminished by the proposal, given its dual-aspect nature, the living conditions of the neighbouring occupiers would not be unduly affected by the proposal in this regard. Similarly, while the levels of light to the courtyard may be affected by the proposed development, given that the rear of the property is south facing, it would continue to receive adequate levels of light even if the tree to the rear of the proposed extension was not removed.
11. Consequently, the proposed development would not harm the living conditions of the neighbouring occupiers at Clog Cottage with particular regard to outlook and light. Therefore, it would not conflict with DMPD Policies DM2 and DM24

which together seek developments that would not adversely affect the residential amenity of occupants of nearby properties. The proposal would also not conflict with the Framework in this regard.

Other Matters

12. I note that the site lies within Cavendish Conservation Area (CCA) and near to a number of listed buildings. Although the Council has not referred to the effect of the proposal on the CCA and setting of the nearby listed buildings in their reasons for refusal, I am required, as a statutory consideration, to have regard to these matters when determining the appeal. The significance of the CCA and listed buildings lies in the evidence of historic architecture and given its traditional vernacular appearance, the appeal property contributes to the attractive character of the area. Given the position of the proposed extension between the boundary fence and existing rear projection as well as its single storey height, it would have limited visibility from the surrounding buildings and would not be visible from the street. The Council has not objected to the proposal in this particular regard and from the evidence before me I see no reason to disagree.

Conditions

13. Conditions relating to the standard period for commencement and specifying the approved plans would be necessary in the interests of certainty. I note the Council has suggested the use of a condition requiring the materials to be used in construction to match the existing building. However, since the materials stated in the proposed drawings are different to that of the host property, I have not attached this condition.

Conclusion

14. For the reasons given above, the appeal should be allowed.

R Sabu

INSPECTOR