



Appeal Decision

Site visit made on 23 January 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2020

Appeal Ref: APP/X3540/W/19/3231584

18 Pier Avenue, Southwold, Suffolk, IP18 6BX

- 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 and Mrs Sheldrake against the decision of East Suffolk Council.
 - The application Ref DC/19/1256/FUL dated 6 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is described on the application form as "Proposed bungalow with parking".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers of the bungalow and neighbouring occupiers at No 16 Pier Avenue.

Reasons

Appeal site context

3. The appeal site forms part of the rear garden of No 18 Pier Avenue, a mature semi-detached house set on a corner plot with a return frontage to St Edmund's Road. It contains a detached garage and is enclosed by timber fencing.
4. The surrounding area is primarily characterised by mature 2-storey detached, semi-detached and terraced housing of varying architectural styles, with occasional infill developments of a more modern appearance.

Character and appearance

5. The proposed dwelling would be set just inside the north, south and western boundaries of the appeal site, with an enclosed frontage to provide a small private amenity area. As a consequence, it would have a cramped and contrived appearance, wholly out of character with the surrounding area, where the prevailing pattern of development and plot size is characterised by dwellings set back from the road with open frontages and their private gardens

to the rear. This harm would be compounded by the presence of the scheme's publicly visible flank gable wall projecting above the boundary fence directly adjacent to the public footway on St Edmund's Road.

6. I recognize that the proposed dwelling is of a modern design and that the surrounding area has a variety of architectural styles. However, the proposed mono-pitch roof would be wholly out of character with the prevailing roofscape which is characterised by pitched roofs and neither would it result in a new modern distinctive design that would add to the richness of the existing architectural context and reinforce the area's sense of place.
7. In view of the above, I conclude that the development would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies WLP8.29 and WLP8.33 of the Local Plan¹ which collectively seek, amongst other things, to ensure that new development is of a high quality design that relates to the character of the surrounding area, reflects local distinctiveness and would not generate a cramped form of development.
8. I also find that the scheme conflicts with Paragraphs 124, 127 and 130 of the Framework² which collectively seek, amongst other things; (a) high quality design; (b) visually attractive development that is sympathetic to local character; (c) schemes that establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces; and (d) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

Living conditions

9. The proposed dwelling would be significantly higher than the dividing garden fence with No 16 Pier Avenue and set just inside this. By reason of its close proximity, height and mass, it would appear visually intrusive and oppressive to the occupants of No 16 when using their rear garden, and as consequence, be harmful to their living conditions.
10. Despite the existing property at No 18 being set on higher ground than the appeal site and it having windows orientated towards the bungalow's private garden, as does the neighbouring properties at No 53 St Edmund's Road and No 29 North Road, I am satisfied that the intervening separation distances are sufficient and that no harm would arise in terms of loss of privacy. For the same reason, I do not consider that future occupiers would be subject to a visually oppressive built environment.
11. In view of the above, I conclude that the development would be harmful to the living conditions of neighbouring occupiers of No 16. The proposal would therefore conflict with Policy WLP8.33 of the Local Plan, which seeks, amongst other things, to ensure the living conditions of occupiers of existing properties are not unacceptably harmed by overbearing forms of development.
12. I also find that the scheme conflicts with Paragraph 127 of the Framework which states that planning decisions should create places with a high standard of amenity for existing users.

¹ Waveney Local Plan, Covering the former Waveney Local Planning Authority area, Adopted 20 March 2019, East Suffolk Council.

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

Other matters

13. The Council has confirmed that a financial contribution to mitigate the impact of the scheme on nearby Special Protection Areas and a Ramsar site has not been secured from the appellant, although I have noted their agreement to provide one. However, given that I am dismissing the development for other reasons, it has not been necessary for me to carry out an appropriate assessment of the scheme and consider the requested financial contribution as it would not alter the outcome of the appeal.
14. The appellant has drawn my attention to a number of other developments granted planning permission that they consider to be comparable to the appeal scheme. However, these developments are of a wholly different character and scale to that before me and are not therefore directly comparable. I am also not aware of the particular circumstances where planning permission was granted and in any event, I must consider the appeal scheme on its own merits.

Planning balance

15. The scheme would result in a range of benefits, namely; (a) the provision of a single storey dwelling to provide accommodation and care for an elderly person; (b) a contribution towards the Council's housing land supply; and (c) local employment during construction. However, these benefits would be of limited value given the quantum of development proposed, and when taken cumulatively would not outweigh the harm to the character and appearance of the area and living conditions of neighbouring occupiers I have identified. I therefore conclude that these material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

16. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR