



Appeal Decision

Site visit made on 16 March 2020 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2020

Appeal Ref: APP/X3540/W/19/3241044

99 Bucklesham Road, Purdis Farm IP3 8TT

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs B Phagura against the decision of East Suffolk Council.
 - The application Ref DC/19/2914/FUL dated 22 July 2019 was refused by notice dated 1 October 2019.
 - The development is a proposed replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed replacement dwelling at 99 Bucklesham Road, Purdis Farm IP3 8TT, in accordance with the terms of the application Ref: DC/19/2914/FUL, dated 22 July 2019, and 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 and materials used hereby permitted shall be carried out in accordance with the following approved plans: 19/02/0020, 19/02/0021 Rev A and 19/02/0022 Rev A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans 19/02/0021 Rev A and 19/02/0022 Rev A.
 - 4) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 99 Bucklesham Road, Purdis Farm IP3 8TT.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and

- The effect of the proposed development on the living conditions of the occupiers of 101 Bucklesham Road with particular regard to perceived privacy.

Reasons for the Recommendation

4. The appeal site accommodates a chalet style bungalow with habitable spaces within the roof. There is a double garage that abuts the boundary it shares with No.101. The dwelling at No.101 is a modest L shaped bungalow with an attached single garage that also abuts the aforementioned boundary. 97 Bucklesham Road is a two-storey property and is set in from its shared neighbouring boundaries. Overall, the distances between the built forms vary along Bucklesham Road. The houses along this road also differ in style but are predominantly two-storey dwellings or bungalows with no particular pattern of placement. As such, there is no strong sense of uniformity. The majority of the properties along the road contain spacious front and rear gardens which provides a sense of local distinctiveness.
5. The proposal would replace the existing dwelling and double garage with a two-storey house that would be higher and wider. The scale and siting, including the set-in to the shared boundaries, would generally be similar to the dwelling at No.97. Although it would be substantially taller than No.101, this set-in, combined with the retention of the spacious front garden, would result in a development that would not appear overbearing. Further, it would not appear incongruous in the street scene by virtue of the various styles of dwellings with different gaps in between built forms witnessed on Bucklesham Road.
6. The Council refers to No.118, which is a two-storey dwelling adjacent to a bungalow at No.120, as an example of how two-storey houses can be sited alongside bungalows satisfactorily. However, whilst No 118 uses a single storey element on its side to transition between the two types of houses, the proposal differs in that it would incorporate a significant gap to No.101, which No.118 doesn't have. This separation would allow the proposal to sit satisfactorily alongside No.101. The Council also refer No.111, however, this is not a useful comparison to the proposed dwelling as it is a 1½ storey dwelling.
7. Overall, the proposed development would complement the character and appearance of the area. It would therefore not conflict with Policy DM21 of the Suffolk Coastal District Local Plan, Core Strategy and Development Management Policies, Development Plan Document, July 2013, (Local Plan), which seeks to ensure development relates well to the scale and character of their surroundings. Further, no conflict is found with section 124 of the National Planning Policy Framework which seeks to ensure good design.

Living Conditions

8. The Council said in their officer's report that there would be no harm to the outlook from No.101 or the privacy of its residents, but have raised concern regarding the perception of overlooking from the first floor windows in the proposal. These windows would serve a bathroom and en-suite and so the glazing would be obscurely glazed. The provision of bathroom windows on side elevations is not an uncommon arrangement, and they are relatively small windows. As such I do not consider the windows would lead to an unacceptable perception of overlooking or loss of privacy.

9. In general, the proposed development would not be overbearing to the occupiers of No.101 by virtue of the gap between the eastern flank wall of the proposed dwelling and the neighbouring dwelling. This combined with the proposed obscured glazed windows, means the proposal would not have an adverse impact on the living conditions of the occupiers of 101 Bucklesham Road. The Council referred to Policy DM21 of the Local Plan. However, as this relates to good design in terms of character and appearance, it has little relevance to living conditions. As such, no conflict is found with this policy.

Other Matters

10. The Council raise no concerns with regard to the proposed outbuilding. Given that the majority of the spacious rear garden would be retained, I have no reason to disagree.

Conditions

11. I have had regard to the conditions suggested by the Council and where necessary I have amended them in the interests of clarity.
12. In the interests of certainty, a condition is necessary to ensure the development is carried in accordance with the approved plans and within three years of the date of this decision. Furthermore, in the interests of protecting the character and appearance of the area, a condition is necessary to ensure the materials used are those identified in the plans. As suggested in the officer report, a condition preventing the use of the outbuilding as an independent residential unit is necessary in the interests of protecting the character of the area.
13. Plan 19/02/0021 Rev A shows the proposed areas for bin storage and parking. It is not considered necessary to secure the provision of these prior to the use of the dwelling as there would be no adverse impact were they not to be provided prior to the occupation of the development. Furthermore, given the previous residential use of the site, and the contaminated land report presented, there is no evidence before me suggesting contaminants at the appeal site are likely. Therefore, the suggested condition relating to this is unnecessary. It also would be unreasonable to request a construction method statement, as suggested, considering the scale of the development and the lack of evidence to suggest highway safety risks.

Recommendation and Conclusion

14. For the reasons set out above, and having had regard to all other matters raised, I recommend the appeal is allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR