



Appeal Decision

Site visit made on 16 June 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/F3545/D/19/3238143

4 Hawthorn Walk, Beck Row, Bury St Edmunds, Suffolk IP28 8UD

- 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 Stewart Rayner against the decision of West Suffolk Council.
 - The application Ref DC/19/0413/HH, dated 5 March 2019, was refused by notice dated 11 July 2019.
 - The development proposed is first-floor extension over existing garage with 1 no. dormer window and partial conversion of garage to create habitable room.
-

Decision

1. The appeal is allowed and planning permission is granted for first-floor extension over existing garage with 1 no. dormer window and partial conversion of garage to create habitable room at 4 Hawthorn Walk, Beck Row, Bury St Edmunds, Suffolk IP28 8UD in accordance with the terms of the application, Ref DC/19/0413/HH, dated 5 March 2019, 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: drawing no. 01/2141/19 location plan; site plan drawing no. 02A/2141/19 revision A; proposed ground floor drawing no. 06/2141/19 revision A; proposed first-floor plan drawing no 07/2141/19 revision A; proposed elevations drawing no. 08/2141/19 revision A.

Preliminary Matters

2. The application was made to Forest Heath District Council which shortly thereafter merged with St Edmundsbury Borough Council on 1 April 2019 to form a single authority; West Suffolk Council. The development plan was carried over and comprises the policies of the Forest Heath Core Strategy¹(CS) and the Joint Development Management Policies Document² (DM).
3. I have taken the description of the proposal from the Council's officer delegated report, omitting the reference to the single storey side extension to create an

¹ Forest Heath Local Development Framework – Core Strategy Development Plan Document 2001-2026 adopted May 2010.

² Forest Heath and St Edmundsbury Local Plan – Joint Development Management Policies Document February 2015.

integral double garage. This is because the Council's decision was made over revised plans, which removed the single storey garage extension at the front and reduced the first-floor extension over the existing garage to around half that originally proposed.

4. The appellants' statement makes the case with reference to further revisions, with the larger first floor extension with the two dormer windows kept but without the additional ground floor extension to retain a double garage. However, this appeal must be based on the plans that were the subject of the Council's decision. The Council's refusal notice refers to the first set of amended plans, received on 14 June 2019, prior to the 28 June 2019 date given on the more recently revised drawings. It is clear from the delegated report provided by the Council that the decision was based on the first set of revised plans I have described.
5. The appeal process should not be used to evolve a scheme and, having applied the Wheatcroft Principles in respect of this proposal, I must base my decision on the first revised plans considered by the Council.

Main Issues

6. The effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of occupiers of 5 Hawthorn Walk, with particular regard to outlook.

Reasons

(i) The effect of the proposal on the character and appearance of the area

7. Hawthorn Walk is a cul-de-sac of fairly large, mainly detached modern houses which are set back from the road to provide a quite spacious residential character. No 4 has an attached double garage projecting at the front. This has the same facing materials as the remainder of the dwelling and has a hipped roof. The ridge of this roof sits just below the eaves of the two-storey part of the house.
8. The proposal is to reduce the double garage internally to a single, in order to provide a larger downstairs playroom/snug. Above this enlarged room would be a first-floor addition, extending outwards to the hip of the roof of the existing garage. The first-floor extension would also have a hipped roof, marrying well with the overall design of the property at an intermediate height between the existing single and two storey parts. This would provide a fifth bedroom accessed by a new staircase from the enlarged playroom/snug below.
9. The timber boarding to the exterior of the new first-floor walls would help break up the visual impact of the additional mass proposed. The ridge of the first-floor extension would extend only about half the way up the roof slope to the main house. The proposal would remain subservient in height and scale to the main house and its massing would not appear unduly bulky. The scale and proportions would be suitable so as not to detract from the satisfactory appearance of the dwelling or be out of keeping with that of the street scene more generally. For these reasons this proposal would not have a materially harmful effect on the character and appearance of this area. This would satisfy policies CS5, DM2 and DM24, which seek that new developments fit in acceptably within their built context and preserve an area's distinctive character.

(ii) The effect on the living conditions of occupiers of 5 Hawthorn Walk

10. The main window to the new first-floor bedroom would be provided by a dormer within the roof slope, facing inwards towards the front drive of this house. New first-floor windows facing in other directions would be either high-level or obscure glazed. The proposal would result in no loss of privacy to any neighbours. The houses along this section of the street have broadly south facing rear elevations. Therefore, the first-floor extension at the front would have little impact with regard to any loss of light to the rooms at No 5.
11. The proposed first-floor extension would not come much further forward than the front of No 5 and so there would be limited impact on the outlook from the road-facing windows of this neighbouring house. This would be sufficient for the proposal not to have an overbearing impact on the outlook from No 5 or have a materially harmful effect on the present living conditions of its occupiers. Therefore, I find the proposal satisfies Policy DM2, insofar as this seeks that the design of development causes no harm to the residential living conditions for neighbouring occupiers.

Other Matters

12. I have had regard to the other residential developments in this locality referred to by the appellants. However, as these all seem to have been provided in support of the larger first floor extension, which is not the scheme on which the Council's decision was based, I have found no necessity to comment on these examples.

Conditions and conclusion

13. Subject to conditions necessary to apply the standard three-year time limit for commencing the development and, for certainty, specifying the approved drawings, I conclude the appeal is allowed.

Jonathan Price

INSPECTOR