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## Appeal Decision

Site visit made on 20 August 2020

**by S Tudhope LLB (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 August 2020**

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**Appeal Ref: APP/X3540/D/20/3251192**

**19 Puddingmoor, Beccles NR34 9PJ**

- 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 & Mrs M Barnes against the decision of East Suffolk Council.
  - The application Ref DC/19/4913/FUL, dated 20 December 2019, was refused by notice dated 3 February 2020.
  - The development proposed is replacement of bay window with bi-fold doors and juliet balcony.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant advised that it would be necessary to enter the property to make a full assessment. This was undertaken, while observing the Government's social distancing advice due to Coronavirus (Covid-19).

### Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the host building; (ii) whether the proposal would preserve or enhance the character or appearance of the Beccles Conservation Area; and (iii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy.

### Reasons

#### *Character and appearance*

4. The appeal site forms the ground and first floor of the southern end of a three and a half storey building comprising of several flats. The appeal scheme relates to the alteration of a bay window at first floor level, situated within the western elevation of the building. This window is somewhat unusual in that it is the lower section of a double height bay, the top section of which belongs to the flat above. Whilst the building is not locally or statutorily listed it is in the Beccles Conservation Area (CA) and as such benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The character of this part of the CA arises from the variety of architectural form and the topography of the land. The appeal building lies on land that rises steeply from west to east. The cliff edge has provided some opportunities for

20<sup>th</sup> century residential infill, the appeal building included, between the streets of Ballygate above and Puddingmoor below. Stepping Hill, a footpath comprised of steps, links these streets and runs past the southern end of the appeal building, in close proximity to the position of the proposed development.

6. The appeal building's prominent western elevation, with its unique pattern of openings, along with surrounding buildings, plays a role in defining the character of the area, which is part of the CA's distinctiveness and significance as a designated heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA as required by section 72(1) of the Act.
7. The scheme would incorporate the use of anthracite coloured window frames and painted timber decking and joists, which would match previously approved replacement joinery in this property. Whilst I find that this would be compatible with the original dark timber joinery seen throughout the rest of the building, the proportions of the proposed bi-fold doors would appear at odds with the bay window above. In addition, the base of the balcony would be lower than the bottom of the main windows on this floor disrupting further the rhythm of this part of the building.
8. This conflict would be exacerbated by the introduction of a glass balustrade. The use of this more contemporary material in such a prominent position on the building and in the street scene, would be visually jarring when set against the design aspects of the building as a whole and the traditional designs of other nearby buildings.
9. I acknowledge that inward opening doors with a glass Juliet balcony have been granted planning permission<sup>1</sup> in a property to the north of the appeal site. However, that building is very different in appearance to the appeal building, as is the design of its balcony. Further, although that development can be seen from the public realm, the appeal site is far more prominent in the street scene and, therefore, the impact of those approved alterations is not directly comparable with those which apply in this appeal. I, therefore, necessarily reach my own conclusions on the proposal before me.
10. I also acknowledge that the existing bay window is showing signs of decay and needs replacing, and that the proposed development could be undertaken without compromising the integrity of the bay window above. However, I have no evidence that the appeal scheme is the only option available or that it would be preferable when compared to any alternative solution.
11. Consequently, I conclude that the proposal would be harmful to the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the CA. Thus, it would conflict with Policy WLP8.39 of the East Suffolk Council - Waveney Local Plan 2019 (LP). This policy requires a high standard of design and materials and the preservation or enhancement of the character or appearance of the heritage asset.
12. Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm, to the significance of a heritage asset, as in this case, this harm should be weighed

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<sup>1</sup> DC/17/4298/FUL

against the public benefits of the proposal. No public benefits have been identified that would outweigh the harm I have found.

### *Living conditions*

13. The Council consider that the proposal would result in unacceptable loss of privacy to the occupiers of properties set lower than, and in front of, the appeal site. This would be due to increased views over and into those neighbouring properties because of the floor level glazing and balcony space that the proposed development would introduce.
14. However, I saw from my visit that the current relationships between these properties and the appeal site already allows for overlooking, and that the overlooking is of the front elevations and public garden areas of those neighbours. The increase in glazing area and the introduction of the Juliet balcony, even with the ability to step slightly out onto it, would not lead to additional overlooking to such a degree that would cause material harm to the living conditions of neighbouring properties, given the current situation. I am satisfied that because of the separation distances and the oblique angles involved, that the proposal would not allow for unacceptable views into the rooms of those neighbouring properties.
15. I therefore conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties with particular regard to privacy. Thus, the proposal does not conflict with Policy WLP8.29 of the LP which seeks, amongst other matters, to protect the amenity of neighbouring uses.

### **Other Matter**

16. Reference has been made to a restrictive covenant that prevents alteration to the external appearance of the building. However, covenants are civil matters outside of the control of the planning system. As such, this is not a matter that I have taken into account in the determination of this appeal.

### **Conclusion**

17. Whilst I have not found harm in terms of the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, I have found that the development would cause harm to the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the CA. I therefore find conflict with the development plan overall. For these reasons the appeal is dismissed.

*S Tudhope*  
Inspector