The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/W3520/D/20/3250228
35 Curlew Close, Stowmarket, Suffolk IP14 5GL

- 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 Batram against the decision of Mid Suffolk District Council.
- The application Ref DC/20/00071, dated 9 January 2020, was refused by notice dated 24 February 2020.
- The development proposed is the conversion of garage and erection of first floor extension above to create additional accommodation; surfacing to provide additional parking area – resubmission of application DC/19/04501.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers having regard to its size and position.

Reasons

3. The appeal site is a two storey detached dwelling with an attached single storey garage with a pitched roof. The surrounding area comprises a range of other two and two and a half storey semi-detached and linked dwellings of a similar style. The dwellings in Curlew Close have limited spacing in between the plots giving the area the appearance of a higher density development.

4. The appeal proposal is for the conversion of the garage and a first floor extension above. Due to the position of the garage on the eastern side of the plot boundary, the proposal would be sited very close to the adjacent dwelling (No.37 Curlew Close). The appeal site is set back from the adjacent property, and as such, the size and position of the proposed development would result in a two storey flank wall directly along the rear boundary running along part of the length of the adjoining occupiers rear garden (No.37). Although the existing single storey garage is already sited along the boundary, its single storey height does not impact on the adjoining property. However, the appeal proposal would increase the height to two storeys resulting in a tall flank that would have a stark appearance and create a sense of enclosure to the rear garden space of No.37. As such, it would result in overbearing effect on the rear garden and rear living accommodation of the adjoining occupiers dwelling.

5. The appellants have sought to minimise the extent of any adverse effects on the living conditions of the adjoining occupiers by reducing the overall height of the proposal utilising a hipped roof type to minimise overshadowing and reducing the eaves height. However, despite this, due to the siting of the proposed development along the boundary set back from the building line, I consider it would nonetheless dominate the rear garden of No.37 resulting in an over-dominant feature.

6. The spacing between the appeal property and No.37 is relatively limited, although the single storey garage currently allows light to pass between the dwellings as the sun moves during the day. The appellant has indicated that the proposed hipped roof and lowered eaves from the previous proposal has been designed to mitigate any reduction in light available to the adjoining property. However, the siting and height of the proposed development on the boundary would still result in a reduction in the amount of light into the adjoining property's rear living accommodation, particularly when the sun moves to the west in the afternoon.

7. My attention has been drawn to examples of other properties in the area that have been developed in close proximity. However, no precise details of the planning decisions that may have allowed these developments has been provided. Furthermore, no evidence has been provided as to whether the examples have been extended in a similar manner to the appeal proposal, and as such, they are afforded limited weight. Therefore, whilst there may be other examples of dwellings sited close together, these do not appear to be directly comparable to the appeal proposals and therefore do not alter my findings.

8. In light of the above, I conclude that the proposed development would result in harm to the living conditions of adjoining occupiers having regard to its size and position. As such, it would be contrary to policies H16 and H18 of the Mid Suffolk Local Plan (1998) which state respectively that permission will be refused for development that materially reduces the amenity and privacy of adjacent dwellings or erodes the character of the surrounding area and extensions to existing dwellings will be approved, provided that they will not materially or detrimentally affect the amenities of neighbours or the character and appearance of the area.

9. The proposal would also fail to accord with paragraph 127 of the National Planning Policy Framework ('the Framework') which seeks for development to, amongst other things, create places with a high standard of amenity for existing and future users.

Other matters

10. The appellants have indicated that the proposed development would provide more suitable accommodation for a child with specialist needs. Whilst the proposed development would provide additional space to support the child's care, no evidence has been provided as to why the proposed development is the only method of achieving those aims. As such, the appellant's personal circumstances do not outweigh the harm I have identified in the main issue above.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR