



Appeal Decision

Site Visit made on 23 November 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Appeal Ref: APP/X3540/W/20/3256680

Rope Walk Cottage, 32 Thoroughfare, WOODBRIDGE, IP12 1AQ

- 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 Groen against the decision of East Suffolk Council.
 - The application Ref DC/20/0952/FUL, dated 1 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is demolition of existing dwelling & associated garage structure. Erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. Since the Council issued its decision it has adopted the East Suffolk Council – Suffolk Coastal Local Plan (LP). The policies in the LP supersede those referred to in the Council's officer report. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellant had an opportunity to address the change in policy through their appeal submissions.
3. Since the submission of the appeal, the Council have granted planning permission for a replacement dwelling¹ which is the same as the development before me, with the exception of the proposed first floor terrace. It is also agreed by the main parties that although the reason for refusal refers to properties (multiple), it is the effect of the development on 6 Doric Place which is the matter before me. Therefore, I shall deal with the appeal on this basis.
4. In the context of the above the main issue is the effect of the proposed first floor terrace on the living conditions of the occupants of 6 Doric Place, with regard to privacy.

Reasons

5. The proposed dwelling would have a first floor terrace which would be opposite the rear elevation of 6 Doric Place. The rear elevation of no 6 has a number of windows facing onto the appeal site, the ground floor windows are either obscure glazed or high level and this would mitigate any potential overlooking from the first floor terrace.

¹ DC/20/2417/FUL

6. At first floor there is a bathroom window which provides views directly over the appeal site, and despite serving a bathroom the window is not obscure glazed. As a result of the proximity of the first floor terrace to the bathroom window I consider that there would be a degree of overlooking from the terrace into the bathroom window. However, given the use of this room any effect of the proposed development on this window would not materially harm the living conditions of the occupiers, as it is not a habitable room.
7. There would also be a degree of overlooking from the first floor terrace into the modest courtyard garden of 6 Doric Place. I have had regard to the plan submitted which shows the proposed sight lines from the dwelling and terrace. The plans indicate that the area directly outside the conservatory would not be overlooked, and that this is the main seating area. But as part of my visit I observed that the occupiers also have a further small seating area to the rear of the site. Given its modest size it is reasonable that the occupiers of no 6 would wish to utilise all of the available space within their garden and any degree of overlooking would be both obtrusive and harmful to the amenity of the occupiers.
8. In addition, the dwelling has been designed with the living accommodation on the first floor and therefore the terrace would lead directly off the main living room. Therefore, I consider any overlooking from these areas would be more likely to occur for extended periods and be more intrusive, unlike the first floor windows of the original dwelling which served bedrooms.
9. Whilst some landscaping is indicated on the submitted plans, as a result of the available space within the appeal site, the proposed landscaping is unlikely to be of sufficient size and scale to provide the level of screening required to mitigate the impact of the development.
10. I have been provided with photographs taken from the proposed position of the terrace, and these show that there is some landscaping within the appellant's garden which would also provide a degree of screening. However, having had the opportunity to view the site from within the garden of 6 Doric Place, I consider that the position of the proposed dwelling and the introduction of a first floor terrace in close proximity to the rear garden would result in a loss of privacy.
11. I therefore conclude that the proposed development would cause unacceptable harm to the living conditions of 6 Doric Place with regard to privacy and would fail to accord with policy SCLP11.2 of the LP which seeks to safeguard the amenity of adjoining residents.

Conclusion

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

G Pannell

INSPECTOR