



Appeal Decision

Site Visit made on 16 March 2021

by Graham Chamberlain BA(Hons) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/X3540/W/20/3261671

Land adjacent to 11 Cautley Road, Southwold, Suffolk IP18 6DD

- 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 Mrs Madeleine Senior against the decision of East Suffolk Council.
 - The application Ref DC/20/2329/FUL, dated 26 June 2020, was refused by notice dated 27 August 2020.
 - The development proposed is described as '1/2 storey new dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area, including the setting of the Southwold Conservation Area,
 - The effect of the proposed development on the living conditions of the occupants of Critten Place and 9a Cautley Road with reference to outlook and privacy; and
 - Whether the proposed development would provide adequate living conditions, with reference to outdoor amenity space and outlook.

Reasons

Character and appearance

3. The appeal site encompasses the side garden of 11 Cautley Road (No 11) and is currently used for off road parking with a small lawn to the rear. No 11 is an end of terrace dwelling built around the end of the 19th Century. It is located outside, but immediately adjacent to, the Southwold Conservation Area (CA). The other houses in the terrace are located within the CA and are very attractive period properties set behind modest front gardens.
4. The fine detailing exhibited in the terrace varies, with No 11 being especially different due to the recently applied colour finish to the walls and windows. Nonetheless, the terrace has a rhythm and consistency that provides architectural harmony to its overall appearance. In this respect it is typical of the type of period development that gives the CA much of its architectural and aesthetic value and significance. Furthermore, the group value of the terrace

greatly enhances the street scene and has resulted in it justifiably being identified by the Council as a non-designated heritage asset (NDHA).

5. The broadly undeveloped appearance of the appeal site currently provides a pleasing buffer between the historic terrace and the more modern development in Hotson Road. This enables the historic terrace to be better appreciated. The appeal site therefore contributes positively to the street scene and the setting and significance of the CA and a NDHA.
6. The proposed dwelling would occupy an unusually small plot which it would appear squeezed in to due to the contrived cantilevered first floor and its proximity to all the external site boundaries. As a result, it would have the appearance of an over development of the available space rather than a natural and integrated infilling. In addition, the screening gates along the frontage would be an unsightly and discordant feature when viewed relative to the low boundary walls in front of the terraced properties. It would also be a retrograde step now that the previously erected close boarded fence has been removed. Without the proposed screen the cramped parking area would be prominent and therefore the street scene would be injured with or without it. The property would also meaningfully erode the gap between the terrace and the more modern development to the north. For these reasons, the proposal would significantly harm the street scene and the setting of the CA. In this respect it is unlike the scheme in Victoria Road referred to by the appellant.
7. Being notably smaller in scale and height than the terrace, the proposed dwelling would have a subservient appearance which would be reinforced by its workshop type form and aesthetic. It would also have some assimilation with the guide hut and follow the building line. However, for the reasons set out in the preceding paragraph the appeal scheme would draw the eye in a negative way. This would harm the street scene and the ability to appreciate the architectural value and quality of the terrace as a standalone NDHA.
8. In conclusion, the proposal would harm the character and appearance of the area. In so doing it would fail to preserve the setting of the CA or a NDHA. The proposal would therefore be at odds with Policies WLP8.37, WLP8.29 and WLP8.33 of the East Suffolk Council – Waverley Local Plan 2019¹ (LP), which seeks to secure development that is well designed, integrates into its surroundings and conserves heritage assets and their settings.

The living conditions of the occupants of Critten Place and 9a Cautley Road

9. The proposed dwelling would have a dormer window in its flank elevation facing the flats at Critten Place. The window would serve the first floor living room which, due to the modest size of the property, would be intensively occupied. The windowsill would be set approximately 1.2m above floor level and therefore it would not be high level. Most adults would be able to look out of the window and have an uninterrupted view at close range into the south facing rooms at Critten Place. The occupants of Critten Place would therefore be subject to a loss of privacy that would harm their living conditions.
10. The bedroom window of the proposed dwelling would face directly towards 9a Cautley Road (No 9a). It would be in an elevated position and close to the

¹ The Council have referred to Section 72 of the Planning (Listed Buildings and Conservation areas) act 1990, but this only applies to development within conservation areas, which the appeal scheme does not appear to be. The Council has also referred to Policy WLP8.39 but this relates to development within conservation areas.

property boundary. This would facilitate an aspect directly into the small rear garden of No 9a as well as the kitchen dining room, which is lit by what appeared to be large patio doors. As such, the occupants of 9a would suffer a notable loss of privacy.

11. Obscuring the lower panes of the window would reduce the ability to look down onto No 9a but it would still be possible to see out of the non-obscured section or to overlook the neighbours when the window is open. It would not be appropriate to obscure the entire window as this would severely limit the outlook from the bedroom of the proposed dwelling, which would be single aspect. The occupants of 9a would also have the perception of being overlooked regardless of whether the window is partially obscured.
12. I understand that No 9a is currently rented out as a holiday let and therefore holiday makers may not expect the same level of amenity due to the time limited nature of their stay. However, I have seen nothing to demonstrate there is a planning conditions that limits the occupation of No 9a to holiday makers. Therefore, it is conceivable that the dwelling may become permanently occupied in the future. If it were, then the appeal scheme would harmfully impact upon their living conditions.
13. My findings regarding the impact on privacy are different to those of a previous Inspector², but there is no inconsistency. This is because the previous Inspector was not able to fully judge the effect on the occupants of No 9a, whereas I have, being able to clearly view this property from the appeal site. Moreover, a window is proposed in the Critten Place facing elevation of the scheme before me when this was not the case in the previous proposal.
14. The proposed dwelling would be modest in scale, but it would nevertheless be notably taller than the boundary treatment between the appeal site and No 9a. The building would therefore be constantly apparent from both the patio doors and modest garden at No 9a. However, the slight set back from the boundary, the ability to keep some trees and the tight knit grain of the area means that on balance, the proposal would not harm the outlook from No 9a.
15. In conclusion, although the proposal would not harm the outlook from No 9a it would harm the privacy of the occupants of this property as well as the privacy of the occupants of Critten Place. Accordingly, the proposal would be contrary to Policies WLP8.29 and WLP8.33 of the LP, which seek to secure development that will not have an unacceptable impact on living conditions.

The living conditions of future occupants

16. The occupants of the proposed dwelling would have access to outdoor amenity space in the form of a small courtyard to the rear of the property. The outdoor amenity area would have space for a store and somewhere to sit out and dry washing. There would also be space for planting and the garden would flow pleasingly from the kitchen. As a result, the outdoor amenity space would function adequately in association with a one-bedroom property, which is unlikely to be occupied by a family and thus require space for children to play. The aspect from the proposed dwelling would provide adequate visual connectivity to land outside the appeal site from several windows and therefore future occupants would not feel hemmed in. As such, the outlook would be

² APP/X3540/W/20/3252415

acceptable. I therefore conclude that the proposal in this respect would adhere to Policies WLP8.29 and WLP8.33 of the LP.

Other Matters

17. The harm that would occur to the setting of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
18. The appeal scheme would be helping to address a local need by providing a small home on the edge of the town centre. It could be occupied by young people (such as the appellant's children) or first-time buyers, but there is no guarantee of this. It would also increase the supply of housing and provide revenue to the Council, but only modestly. It would also support local services and facilities in a small way. The proposal would also provide some support to the construction industry, but this would be time limited and modest in scale. Being residential garden land in a built-up area the proposal would not amount to the redevelopment of previously developed land. The appellant has suggested that the proposal would facilitate home working by the occupants of No 11. However, the proposal is for a separate dwelling that could be rented or sold separately so its use for homeworking by the occupants of No 11 would be infrequent. Frequent use for homeworking in this way would undo many of the benefits that would otherwise occur from it being a new dwelling.
19. Thus, the harm that would arise from the proposal would not be outweighed by its modest public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to the setting of a designated heritage asset would not have clear and convincing justification. It also follows that the benefits of the proposal would not outweigh the harm to the terrace as a NDHA when applying Paragraph 197 of the Framework. The application of policies in the Framework therefore provide a clear reason to refuse the proposal. This is not a material consideration that suggests the proposal should be determined other than in accordance with the development plan.
20. Given my overall conclusion that the appeal should fail, it would have no effect on any Special Protection Area and therefore it is unnecessary to consider this matter further. Several letters of support were submitted but I have come to my own conclusions for the reasons given.

Conclusion

21. The proposed development would provide adequate living conditions for future occupants and would not harm the outlook from No 9a. The absence of harm is a neutral matter. Conversely, the proposal would harm the character and appearance of the area, the setting of the CA and a NDHA and the living conditions of neighbours due to a loss of privacy. It would therefore be at odds with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, the appeal has failed.

Graham Chamberlain
INSPECTOR