

Appeal Decision

Site visit made on 28 July 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/W3520/D/21/3271732

7 Bishops Way, Stradbroke IP21 5JR

- 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 T Royds against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/05718, dated 14 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is first floor extension over existing single storey part of dwelling and extension and part demolition to existing garage.
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Decision

1. The appeal is dismissed insofar as it relates to extension and part demolition to existing garage, but is allowed insofar as it relates to the first floor extension over existing single storey part of dwelling. Accordingly, planning permission is granted for first floor extension over existing single storey part of dwelling at 7 Bishops Way, Stradbroke IP21 5JR. The permission is granted in accordance with the terms of the application, Ref DC/20/05718, dated 14 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved plans, so far as relevant to the first floor extension hereby permitted: F026/001 (location and site plan) and F026/002 Revision A (proposed dwelling plans and elevations).

Preliminary Matters

2. The appellants provided a revised plan of the elevations and plans of the proposed first floor extension as part of the appeal submissions. The only change to the original plan is the removal of the first floor window to the west elevation, a reduction in the size of the window in the north elevation and the insertion of two small rooflights in the rear roof slope. As these changes reduce the extent, size and prominence of the fenestration in the proposed extension, I consider that the interests of other parties would not be prejudiced were I to take account of the revised plan and, therefore, I have done so.
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Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the host dwelling and the street scene; and the effect on the living conditions of the occupiers of Nos 9, 11 and 15 Woodfields, with regard to privacy and outlook.

Reasons

Character and Appearance

4. The appeal property is a detached two storey dwelling at the end of a cul-de-sac that includes largely similar property types.
5. Most of the neighbouring dwellings to No 7 are detached properties set in similar sized plots with front and rear gardens. Due to its position directly at the end of the cul-de-sac, the orientation of the appeal site is different to the predominant plot pattern as the majority of the garden space is to the side and this area also accommodates the garage. Furthermore, due to the width of the plot compared to others this enabled a double garage to be attached to No 7, which has subsequently been converted to living space with a pitched roof.
6. For these reasons, while the two storey part of the appeal property is of similar scale to neighbouring properties, No 7's original frontage width as a whole is materially larger. As such, this is an existing and unique feature within the street scene. The proposed extension would utilise the footprint of the existing single storey element. While this would inevitably create a larger dwelling, adding some bulk to the side, the extended part would be set down from the main roof ridge and set back from the original two storey frontage. As such, it would appear as a subservient extension that would not be incongruous in this setting. Moreover, the extent of the plot to the side means that the extended dwelling would not appear cramped within the site.
7. The position of the garage results in a good degree of separation and openness between the dwelling and garage. The extension to the rear would be set away from the dwelling and would not protrude significantly into the garden. As such, the two buildings seen together would not harmfully alter the character or appearance of the appeal site to the detriment of the street scene.
8. Accordingly, for the above reasons, I conclude that the proposal would not have a harmful effect on the character and appearance of the host dwelling and the street scene. Therefore, there is no conflict with Policies GP1, H15, H16 and H18 of the Mid Suffolk Local Plan 1998, which require amongst other matters that development should maintain or enhance the character and appearance of the surrounding area.

Living conditions

9. The original design of the extension included a relatively large first floor corner bedroom window. This would have allowed views towards the rear of properties and their gardens on Woodfields, behind the appeal site. However, the revised design removes this window to the rear and replaces it with two small rooflights, which would not enable any views towards neighbouring properties. The window in the side elevation is retained but this is sufficiently well-separated from the nearest neighbouring dwelling, No 10 Bishops Way, so as

not to result in any harmful overlooking. The only other window to the rear would serve an en-suite bathroom and so would include obscured glass. Consequently, the proposed extension would not result in any loss of privacy to neighbouring occupiers.

10. The bungalows on Woodfields are relatively close to the rear boundary of the appeal property due to the limited depth of their gardens. Nonetheless, while the extension would be visible from these neighbouring properties, its limited height combined with the degree of separation means that it would not be seen as a dominant or overbearing feature in this residential setting.
11. Therefore, for these reasons, I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of Nos 9, 11 and 15 Woodfields, with regard to privacy and outlook. It is not, therefore, contrary to Policies H16 and H18 of the Local Plan, which require amongst other matters that development should not harmfully affect neighbouring residential amenity.

Other Matters

12. I have had regard to the representations made by interested parties, which as well as raising matters covered by the main issues also raise additional concerns about the effect of the proposal on neighbours' living conditions.
13. The rear of the existing garage is currently separated from the shared boundary with No 10 Bishops Way. However, the proposal would result in it extending up to and across the boundary with No 10. This neighbouring dwelling has a narrow area of garden and a conservatory, which would directly face the rear elevation of the extended garage. Despite its limited height and pitched roof the rear elevation and roof would be readily visible above the boundary fence at close range from both No 10's conservatory and garden. Due to its proximity, from these views it would appear as overbearing and dominant both in its own right and in comparison to the largely open aspect that currently exists.
14. Consequently, I find that in this regard the proposed garage extension would result in material harm to the outlook of the occupiers of No 10 Bishops Way, and so it is contrary to Local Plan Policies H16 and H18, as described above.
15. The relative heights and orientation of the proposed extensions means that there would not be any harmful loss of natural light to neighbouring occupiers.

Conclusion

16. As the first floor extension is independent of and physically separate from the proposed changes to the garage, it is possible in this case to make a split decision with regard to the different elements of the overall proposal. Therefore, for the above reasons, the appeal succeeds in respect of the first floor extension, but fails in respect of the extension and part demolition to the garage.

Conditions

17. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the approved element, one requiring development to be carried out in accordance with the relevant parts of the submitted plans. The Council suggests an additional condition

concerning parking spaces, which is not necessary as these are unaffected. The National Planning Policy Framework says that conditions that are required to be discharged before development commences should be avoided, unless there is clear justification¹. In this case, insufficient justification exists to require by condition details of construction methodology to be submitted and agreed before development begins, as this is a small-scale domestic extension that does not warrant this approach.

J Bell-Williamson

INSPECTOR

¹ Paragraph 56.