



Appeal Decision

Site visit made on 25 October 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/F3545/D/21/3279303

3 Water Lane, Denston, CB8 8PP

- 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 Tunstill and Miss Van Lieverloo against the decision of West Suffolk Council.
 - The application Ref DC/21/0399/HH dated 24 February 2021, was refused by notice dated 19 May 2021.
 - The development proposed is two storey (room in roof) extension and alterations following demolition of flat roof element.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of this application, and the day after this appeal was submitted, the revised National Planning Policy Framework (the Framework) was published on 20th July 2021. Given the main issues to be considered within this appeal I do not find that this revision to the Framework impacts upon the basis of determination for this appeal.
3. I note that the appellant states that revised plans were submitted during the application period, however, the Council's decision is stated to have been based upon the original plans (received 25th February 2021) as listed with the decision notice. I have therefore determined this appeal based upon the original plans.

Main Issues

4. The main issues are the impact of the proposal i) upon neighbouring amenity and ii) the character and appearance of the host dwelling, immediate area and Conservation Area.

Reasons

5. The appeal site is a semi-detached dwelling which is located within the open countryside (i.e. beyond a settlement boundary) with access off Water Lane. The appeal site stands within the Denston Conservation Area (CA) but the appeal building itself is noted as not being listed.

Neighbouring Amenity

6. The proposed extension within this appeal would span the width of the host dwelling and be 4.5m in depth. The existing consent for a full width, single

storey, extension is noted under reference DC/20/1626/HH which was approved in November 2020 and is thus still live. The approved single storey extension would have an overall height of 2.97m. The appeal proposal would, however, be two storeys with a 2.24m eave height and a ridge height in the region of 7m. Whilst I acknowledge the design does include a tapering roof line, it is still in excess of two times taller (overall) with the main bulk of the built form proposed being around double the height compared to the approved single storey extension.

7. I note from my site visit that there were two windows, at the adjoining property, in close proximity to the site boundary. The submitted floor plans for the adjoining property show that these are not primary rooms. The appeal site is located to the South of the adjoining property and at the time of my site visit it was a sunny day which made the direction of the sunlight more notable. The appellant has submitted photographs taken from within No. 4 and did offer the opportunity to visit the neighbouring property during my site visit, however, I find it evident from the site boundary alone that the extension at a height of 7m and a depth of 4.5m would result in a shadow being cast over the rear elevation of the neighbouring property. This would result in reduced light which would further contribute to the proposal appearing overbearing and dominant as a result of the proposed built form in such close proximity to the shared boundary. It would be highly visible from the remainder of the amenity space of the adjoining property which I find to unacceptably impact upon neighbouring residential amenity.
8. The proposal would be contrary to West Suffolk Joint Development Management Policies Document 2015 (LP) Policy DM2 which requires that development should not adversely affect residential amenity by reason of overshadowing or loss of light and LP Policy DM24 which requires that proposals do not adversely affect the residential amenity of occupants of nearby properties.

Character and appearance of the host dwelling, immediate area and Conservation Area

9. At the time of my site visit I noted that the site is orientated side on to Water Lane which, combined with the site levels being notably higher than the road to the South, means it is visually prominent. These factors make the site visually sensitive in terms of impact to the appearance of the host dwelling, immediate area and the CA. The appeal site is located on the edge of the CA as shown within the CA maps. It is therefore prominent in views upon entry and exit to the CA as a result of these factors.
10. The Planning (Listed Buildings and Conservation Areas) Act 1990 (S72) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The percentage increase stated by the appellant with regard to internal floor area is noted, however, I find that an assessment as to modesty and/or subservience cannot be based upon percentage increases and/or floor areas alone. Site location and visual characteristics are also important factors.
11. The appellant references an extension at no. 4; however, I have limited details of this before me. I have assumed, however, from the floor plan within the appellant's statement and the site plan, that this was the side extension which is of limited comparison to the appeal proposal before me in that it was a side

extension which was not visually prominent as is the case with the appeal site. I also note the examples of extensions in the surrounding area which are summarised by the appellant. With regard to the latter the only information before me is the summary table and the aerial photograph 1. I have no further information before me such as detailed plans which would assist me in understanding the context of the sites which allows me to attribute limited weight to them within this appeal. I note comments regarding the varied character, appearance and size of properties within the area but find the scale of the proposal (combined with location) to be inappropriate with specific regard to the host dwelling and its prominent, raised, setting.

12. The proposal's width would be comparable to that of the host dwelling when viewed from Water Lane. This, combined with the scale and height, I find presents as a proposal which would not be subordinate to the main dwelling. I do not find there are differing levels of subordination within this type of assessment as stated by the appellant. I find that the proposal does not respect the host dwelling visually and would be a dominant addition. By the appellant's own admission, in the design and access statement, the appearance of the property would be somewhat altered, and I find that this is exacerbated as a result of the sensitive site location as outlined above. Whilst the design is in-keeping with that of the original character of the dwelling, with replication of the mansard style roof, the size of the proposal has a detrimental impact upon the appearance of the host dwelling and immediate area due to its visual prominence.
13. I note the appellant's clarification re: the single storey rear element being an original feature as part of the host dwelling. Notwithstanding this I find the overall height, scale and massing would not be subordinate to the original dwelling for the reasons outlined above.
14. Under the Framework CAs are designated heritage assets and their conservation is to be given great weight. In this case I consider that the proposal would result in harm to the CA, albeit it would be less than substantial harm. Notwithstanding this, in accordance with paragraph 202 of the Framework, where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. The public benefits of a private residential extension I do not find, in this case, to outweigh the harm found. The proposal would not preserve or enhance the CA.
15. The proposal would be contrary to LP Policy DM2 and LP Policy DM17 which both require proposals to preserve or enhance the setting of, or views into and out of a CA and LP Policy DM24 which requires proposals to be subordinate in scale and proposal to the original dwelling.

Other Matters

16. The starting point for determination of any proposal is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. The presumption in favour of sustainable development is noted, however, the Framework does not change the statutory starting point for determination – the Local Plan. Notwithstanding this there are three elements for sustainable development: social, environmental and economic. The impacts I have found with regard to the main issues within this appeal means that the proposal

would fail to be consistent with the environmental objectives of sustainable development.

17. Letters of support are noted from neighbours and the Parish Council however, these are a neutral consideration akin to a lack of objection within this appeal. Even if I had found the proposal to be acceptable with regard to impact upon neighbouring residential amenity the appeal would still have failed due to the unacceptable impact, I have found with regard to the host dwelling and impact upon the CA as outlined within the second main issue.
18. As noted above, in procedural matters, the appellant has submitted revised plans which I can see where submitted during communications with the Council. Whilst I have determined the appeal on the original plans, even if I had taken the revised plans (revision A) into account I find that the amendments to the revised plans are minor and would not have addressed the concerns raised with regard to width and subservience in relation to the host dwelling.
19. I note concerns regarding the handling of the application within the appellants comments with specific regard to missing correspondence, not visiting site etc. These are not matters which fall within the scope of this appeal as I have in any case determined the appeal based upon the evidence before me.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR