



Appeal Decision

Site visit made on 8 February 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/D3505/D/21/3282080

3 First Avenue, Glemsford, Sudbury, Suffolk CO10 7QD

- 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 K Brown against the decision of Babergh District Council.
 - The application Ref DC/21/00775, dated 20 April 2021, was refused by notice dated 14 June 2021.
 - The development is described on the application form as 'proposed first floor extension to annexe and single storey rear extension (existing conservatory to be demolished)'.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor extension to the annexe. The appeal is allowed insofar as it relates to the single-storey rear extension and planning permission is granted for the erection of a single-storey rear extension (existing conservatory to be demolished) at 3 First Avenue, Glemsford, Sudbury, Suffolk CO10 7QD in accordance with the terms of the application, Ref DC/21/00775, dated 20 April 2021, subject to the conditions appended to this decision.

Preliminary Matter

2. At the appeal stage, additional plans were submitted illustrating further contextual information. Whilst these did not form part of the original planning application, they do not alter the proposed development. Appeal parties would not be prejudiced by my taking account of the amended plans and I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including the setting of Glemsford Conservation Area; and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, outlook and loss of daylight/sunlight.

Reasons

Character and Appearance

4. The appeal site comprises a semi-detached house in a cul-de-sac of similar residential properties. A single-storey rear conservatory extension already exists, together with a detached single-storey outbuilding.
5. The proposed single-storey extension is not a matter of contention for the main parties. I consider that by reason of its size, subservient design and use of matching materials, that it would assimilate to an acceptable standard with the surrounding area.
6. The proposed two-storey annexe would be both greater in height, at two storeys high, and footprint compared with the existing outbuilding. Although sheds and outbuildings do exist within nearby rear gardens, these are single-storey and of a more typical domestic character that would be expected in any suburban residential setting. No examples of similar two-storey structures that exist within rear gardens have been put before me and, on my site visit, I identified no such structures.
7. Whilst the annexe would be largely screened from view from any public vantage point due to intervening buildings and landscaping, it would be highly visible from neighbouring properties and their gardens. The presence of a two-storey building directly behind frontage properties would be discordant with the established pattern of the rhythm of development in the street.
8. The boundary of Glemsford Conservation Area lies to the immediate north of the appeal site. Statute places a duty on me to pay special attention to the desirability of preserving or enhancing the character and appearance of this conservation area (CA). The significance of the CA lies, in part, in Glemsford's historic core, traditional townscape and verdant open spaces. The setting of the CA is formed of its surroundings and the places from which its significance can be experienced. The appeal site has no historic connection with the buildings or spaces within the conservation area and it does not contribute towards its significance.
9. There is a distinctly different character between the appeal site, a comparably modern residential development, and the area to the north which features historic properties, a more varied townscape and a verdant appearance. Given the nature of the proposed development and its interaction with the surrounding area as set out above, I am of the view that the scheme would have a neutral effect on, and would thereby cause no harm to, the setting of the character and appearance of Glemsford Conservation Area. However, that is effectively neutral in the overall balance of the merits of the scheme, rather than one which weighs positively in favour of granting permission.
10. I acknowledge the appellant's reference to the scale of the former Horsehair Factory relative to the proposed development, and that matching materials would be used in the construction of the annexe. Be that as it may, this does not overcome the harm that I have identified above.
11. Consequently, I find that the proposal, insofar as it concerns the extension of the two-storey annexe, would harm the character and appearance of the surrounding area, conflicting with the relevant provisions of Policy CN01 of the Babergh Local Plan (2006), which in summary seeks a high quality of design in

development. This is consistent with the aims of the National Planning Policy Framework (2021) in respect of good design.

12. Policy HS35 is included within the decision notice. This relates to the principle of annexes in rear gardens. Having noted that context, it weighs neither for nor against the proposal in regard to this main issue.

Living Conditions

13. The single-storey extension would be positioned to the rear of the property replacing the existing conservatory extension, although extending along the full width of the property and projecting further into the rear garden. The position of this proposed development relative to the existing extension and intervening boundary treatments, together with its overall scale and pitched-roof design, is such that it would not result in any detrimental impact on the occupiers of neighbouring properties of an overbearing or overshadowing nature.
14. A window is proposed to the side elevation of the extension, facing towards No 1 First Avenue. However, this window would be high-level and would face in the same direction as the conservatory windows already do. Rear facing windows would look out onto the rear garden of the appeal site only. This leads me to conclude that the proposal would not cause any further harm to neighbouring occupiers from an overlooking perspective.
15. The footprint of the proposed annexe is large and is set close to the boundaries on three sides of the site. However, its position relative to the existing structure, the separation distance between the outbuilding and neighbouring properties, together with the intervening boundary treatments and mature landscaping that exist, are such that it would not result in any unacceptable impact on the living conditions of neighbouring occupiers in respect of outlook or overshadowing.
16. Moreover, the nearest property to the rear, the Former Horsehair Factory, is set away from the rear boundary of the appeal site and does not have any habitable windows which face directly onto it. As such, no harm would arise to the occupiers of these properties in respect of loss of daylight or sunlight.
17. The position of the small window to the first floor of the annexe, its separation distance from nearby dwellings, together with the hedging on both sides of the site, is such that there would be no unacceptable loss of privacy to the occupiers of neighbouring properties.
18. For the above reasons, the proposal would be acceptable in respect of the living conditions of neighbouring properties with regard to outlook, privacy and daylight/sunlight, in accordance with the relevant provisions of Policy CN01 of the Babergh Local Plan (2006), which in summary seek to protect the amenities of neighbouring occupiers. This is consistent with the aims of the National Planning Policy Framework (2021).
19. Policy HS35 is included within the decision notice. This relates to the principle of annexes in rear gardens and they should be used as such and not independent dwellings. Having noted that context, it weighs neither for nor against the proposal in regard to this main issue.

Other Matters

20. The appellant sets out their justification for the proposed two-storey annexe within their supporting documents and that this would provide accommodation for immediate family members. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan.
21. The appellant also sets out the energy efficient nature of the proposed development and its good access to nearby services. Whilst this is acknowledged, these benefits would be limited.
22. A number of concerns have been raised by local residents in respect of overlooking and boundary issues. Matters relating to boundary issues and access on neighbouring land are a private concern. As I have found sufficient other harm to warrant dismissal of the appeal, there is no need for me to consider these matters further.

Conditions

23. In respect of the single-storey extension, I have attached the standard time limit condition and I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring the external materials used in the construction of the single-storey extension to match those of the existing building.

Conclusion

24. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed insofar as it relates to the single-storey rear extension and dismissed insofar as it relates to the first floor extension of the annexe.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/049 2; and 20/049 5.
- 3) The materials to be used in the construction of the external surfaces of the single-storey extension hereby permitted shall match those used in the existing building.