
Appeal Decision

Site visit made on 31 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/X3540/D/22/3295442

Alde Cottage, 30 Sandy Lane, Iken IP12 2HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Robert Gillespie against the decision of East Suffolk Council.
 - The application Ref DC/21/5483/VOC, dated 6 December 2021, was refused by notice dated 10 February 2022.
 - The application sought planning permission for additions of living room, bedroom and porches to single dwelling without complying with a condition attached to planning permission Ref DC/21/2480, dated 5 November 2021.
 - The condition in dispute is No.2 which states that: The development hereby permitted shall be maintained in all respects strictly in accordance with 'Existing Ground Floor Plan', 'Existing First Floor Plan', 'Proposed Ground Floor Plan', 'Proposed First Floor Plan', 'Proposed South Elevation & Section', 'Proposed West Elevation & Section', 'Proposed North Elevation' and 'Design and Access Statement' received 8th October 2021, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
 - The reason given for the condition is: For the avoidance of doubt as to what has been considered and approved.
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Decision

1. The appeal is allowed and planning permission is granted for additions of living room, bedroom and porches to single dwelling in accordance with the application Ref DC/21/5483/VOC dated 6 December 2021 without compliance with condition number 2 previously imposed on planning permission Ref DC/21/2480 dated 5 November 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from 5 November 2021.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Ground Floor Plan, Existing First Floor Plan, Proposed Ground Floor Plan, Proposed First Floor Plan, West Elevation and Section, South Elevation and Section & North Elevation (Minor Amendments Application).
 - 3) The materials and finishes shall remain as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Background and Main Issue

2. Planning permission was previously granted for extensions at the appeal property. This application seeks to vary the approved plans for the garden room extension which would be placed on the southern side of the existing dwelling.
3. The changes include an increase in the ridge/eaves height of this element, the provision of a rooflight and an associated increase in the height of the timber siding. The main issue is the effect of these changes on the character and appearance of the existing dwelling and area.

Reasons

4. The existing property is attractive, its varying wings set beneath traditional thatched roofs within a pleasant, landscaped garden setting. Whilst there are other dwellings strung out along Sandy Lane, the setting has a quiet and rural character and appearance with tracts of farm and woodland forming the wider setting. The site is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
5. Although the eastern elevation of the main body of the dwelling can be seen in glimpsed mid-distance views further to the south and east on Sandy Lane, the dwelling has only limited visibility when closer to the property on Sandy Lane as a result of extensive planting along the boundary of the site.
6. The increase in ridge/eaves height would slightly increase the prominence of the extension but this effect is only likely to be felt from within the garden of the dwelling itself. Given the extensive gardens and the screening adjacent to Sandy Lane, along with the extension being set largely to the west of the main body of the dwelling to the east, it would be hard to discern the difference from nearby public vantage points.
7. Further, the height proposed would not be without precedent on the site, given that the ridge line of the northern wing of the property is set at a greater height than that proposed here.
8. The rooflight feature appears to be used for dual purposes. The northern rooflight would help to provide an appropriate break between the existing building and the modern extension.
9. The second, above the middle of the extension, could be more influenced by the internal requirements of the occupier. However, ultimately, this feature in itself would have very little public visibility and would primarily be seen from the gardens of the host dwelling.
10. In itself, it would form only a small feature on a rather extensive dwelling and its visual appeal is a largely subjective matter. Its inclusion would not result in any harm of any significance to the character and appearance of the dwelling nor the existing area bearing in mind the limited relationship to other surrounding land.
11. There would be no harm as a result of the increased height of the timber siding which is an integral and prominent part of the approved scheme in any case.
12. The proposal would therefore accord with Policy SCLP11.1 of the East Suffolk Council Suffolk Coastal Local Plan (2020) which amongst other things states that permission will be granted where proposals respond to local context and the form of surrounding buildings. Amongst other things the overall scale and character should clearly demonstrate consideration of the component parts of the buildings

and the development as a whole in relation to its surroundings and the height and massing of developments should be well related to that of their surroundings.

13. The SPG¹ with regard to house alterations and extensions suggests that new roof ridges should not normally exceed the height of the original. However, the use of the phrase 'should not normally' suggests that there may be instances where such an increase could be acceptable, such as in this case, which has been assessed carefully on a site-specific basis.
14. I do not find conflict with Framework² guidance which requires that the quality of approved development is not materially diminished between permission and completion.

Other Matters

15. I have considered the comments of the Suffolk Design Review Panel which were included within the evidence. I note that the panel did not appear to have concern with regard to the slightly higher ridge height. There was comment with regard to the rooflights and I have addressed this matter above.
16. The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's. The proposal would conserve the landscape and scenic beauty of the AONB.

Conditions

17. The Planning Practice Guidance makes it clear that decisions under Section 73 of the Town and Country Planning Act 1990 (as amended), (which I will refer to as 'the Act') should also repeat the relevant conditions from the original approval. The submissions of the appellant do not raise any issue with those other conditions. In accordance with the PPG guidance, I shall reimpose them unchanged apart from some minor changes to wording in the interests of clarity and amendment to the approved plans condition to include reference to the plans.
18. Section 73(5) of the Act states that permission must not be granted under this section for the development of land in England to the extent that it has an effect to change a condition subject to which a previous planning permission was granted by extending the time within which a development must be started. I have also therefore adjusted condition 1 accordingly.
19. The Framework sets out that conditions should be kept to a minimum and shall only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have no evidence before me to indicate that the remaining conditions would fail any of the tests and have included them on this basis.

Conclusion

20. For the reasons set out above and having taken into account all other relevant matters, the appeal is allowed subject to the conditions.

T J Burnham

INSPECTOR

¹ The Suffolk Coastal Local Plan Supplementary Planning Guidance 16 House Alterations and Extensions 2003.

² National Planning Policy Framework 2021.