



Appeal Decision

Site visit made on 16 February 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2023

Appeal Ref: APP/D3505/D/22/3298950

Rushbanks House, Bures Road, Nayland With Wissington CO6 4NA

- 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 and Mrs Nicholls against the decision of Babergh District Council.
 - The application Ref DC/22/00804, dated 14 February 2022, was refused by notice dated 12 April 2022.
 - The development proposed is described as 'Removal of existing conservatory. Side and rear extensions with minor internal alterations'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey side extension and two storey rear extension (following removal of existing conservatory) at Rushbanks House, Bures Road, Nayland With Wissington CO6 4NA in accordance with the terms of the application, Ref DC/22/00804, dated 14 February 2022, subject to the following 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: Site Location Plan 0320 – 01; Plans as Proposed 0320 – 04; Elevations as Proposed 0320 – 05; and Site/Block Plan as Proposed 0320 – 06.
 - 3) No development above ground level shall take place until details of the materials to be used on the external elevations of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No development above ground level shall take place until details of the southern elevation of the room marked as 'sitting area' on the first floor plan on drawing number 0320-04 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans.

Preliminary Matters

2. The site lies within the Denham Vale Area of Outstanding Natural Beauty however the Council has not identified any harm to its natural beauty. From my observations on site, I have no reason to disagree.

3. The Council has confirmed that drawing number 0320 - 07 cited on the decision notice should refer to drawing number 0320 - 01. I have considered the appeal on that basis.
4. As I am allowing the appeal, I have used the description of development from the appeal form in my decision as it more accurately describes the development. This description is broadly consistent with the description on the Council's decision notice.

Main Issue

5. The main issue is the effect on the character and appearance of the host property and surrounding area.

Reasons

6. The appeal site is a substantial detached property situated in large grounds in the countryside. Bures Road is immediately to the west and south of the site. The site banks towards the north, and Bures Road to the south and east is lower than the site. While this makes the site prominent, this is only from a limited number of locations due to the surrounding topography and landscaping. The existing building is finished in a range of materials, however as all have been colour treated in the same shade, this is not readily discernible outside the appeal site.
7. There is an extant planning permission for the removal of the conservatory, erection of a single storey garden room on the east elevation and the part one/two storey northern extension. These works also form part of this appeal. The Council is satisfied with the effect of these works on the character and appearance of the host property and the surrounding area. I have no reason to disagree with this assessment.
8. The part of the proposal in dispute is a first floor extension which would project to the east. It would introduce a new element as it would project beyond the existing first floor eastern elevation. This is a visually complex elevation, with a variety of roof forms, projections and materials, albeit mostly at ground floor. The parts of the proposal granted by the extant permission would add further elements to this, including a dormer to the existing roof which would reflect the traditional dormers on other elevations of the property, the garden room at ground floor with its substantial pitched roof and the two storey element of the northern extension.
9. The first floor eastern extension would introduce a hipped roof to the elevation. However, this would be viewed against the roof slope of the northern extension and sensitive use of materials would integrate this into the development which could be secured by condition. It would be predominantly glazed which would reduce its prominence, particularly in the context of the substantial building against which it would be viewed. It would also integrate with the glazed elements of the garden room and northern extension. The proposed use of weatherboarding would be consistent with what appears to be the approved materials for the extant scheme.
10. Due to its limited size, and the variety of roof heights and projections to the ground floor, the eastern extension would not appear as a dominant or unduly prominent feature, despite projecting forward of the existing first floor eastern elevation. It would only increase the scale and mass of the extension by a

limited extent and would not result in the extension appearing over-dominant or not subservient to the existing dwelling.

11. It would be most clearly visible when viewed from the east along Bures Road. However, views are limited due to the surrounding landscaping alongside the road. The first floor eastern extension would be a small element in the context of the extended dwelling. Its prominence would be reduced by the use of glazing and sensitive use of roofing materials. Its effect would be further reduced by the continuing increase in levels to the north.
12. Views from Bures Road to the south are restricted due to the road being considerably lower than the level the dwelling sits at. However only the roof would be visible above the approved garden room extension. No public viewpoints from the north were brought to my attention, nor did I observe any during my site visit. The first floor eastern extension would not be visible from the west.
13. I therefore conclude the appeal proposal would have an acceptable effect on the character and appearance of the host property and surrounding area. It would therefore be in accordance with Babergh Core Strategy and Policies adopted February 2014 Policy CS15 and Babergh Local Plan adopted 2006 Policies CN01 and HS33 which, taken together, require development to make a positive contribution to local character and be of an appropriate scale, mass, form, detailed design and construction materials. It would also be in accordance with the paragraph 130 of the National Planning Policy Framework (the Framework) which requires development to add to the overall quality of the area.

Conditions

14. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within the Framework and the Planning Practice Guidance. The approved plans condition should be imposed in the interests of certainty.
15. The Council has suggested a condition requiring the materials of the proposal to match the existing. However, as the existing dwelling is comprised of a range of varying materials which have been colour treated, there would not be certainty as to the materials to be used. A condition requiring the details to be approved by the Council is therefore considered to be reasonable to ensure that the condition is precise and enforceable.
16. The Council has also suggested a condition be imposed removing a significant number of permitted development rights for the property including those in relation to buildings, structures, means of enclosure and insertion of new openings. Paragraph 54 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. There is no such justification before me, therefore this condition would not be reasonable or necessary.
17. The submitted plans did not include the southern elevation of the first floor eastern extension. Details of this can be provided by condition in the interests of certainty.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

J Downs

INSPECTOR