

Appeal Decision

Site visit made on 20 March 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/F3545/D/22/3312797

14 Poppy Close, Red Lodge IP28 8FL

- 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 Matt Lawson against the decision of West Suffolk Council.
 - The application Ref DC/22/1371/HH, dated 3 August 2022, was refused by notice dated 11 November 2022.
 - The development proposed is described as a Householder planning application - a. first floor habitable room above detached garage b. installation of two rooflights to rear elevation of detached garage c. addition of external staircase to side elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the proposal from the Council's Decision Notice as this more accurately describes the elements requiring planning consent. I also note that the Council's description of the proposal is stated on the appellant's appeal form.
3. I note discussion in the appeal documents with regards to whether the existing garage has been constructed in accordance with an existing planning permission¹. It is not for me under a Section 78 appeal to determine the current correct and legal development of the existing building. I have therefore made my decision on this basis of the existing conditions and to the development plan and relevant material considerations. To that end it is open to the Council to pursue enforcement action, or for the appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act if they believe the lawful development is different. My determination of this appeal under s78 does not affect the issuing of a determination under s191/192, regardless of the outcome of this appeal.
4. Upon my site visit I noticed that the development as noted in the planning application had already commenced such as extended ridge height, proportions, door to first floor, rooflights and the landing for the staircase. As such the application is retrospective and I have dealt with the appeal on this basis.

Main Issue

¹ Council Ref No: DC/18/2035/HH granted in December 2019

5. Taking the above into account, the main issue is the effect of the garage alterations upon the character and appearance of the host building and the surrounding locality.

Reasons

6. The appeal site is part of a relatively recent residential development which consists of detached dwellings situated along a group of cul-de-sacs. Dwellings predominantly consist of red brick with concrete tiled roofs, with some dwellings having render and stone slip cladding applied to main facades. Dwellings are predominantly two storeys with some dwellings having dormer windows and accommodation within the loft. Many of the dwellings along Poppy Close have single garages attached to the side elevation, with parking courts to the rear of dwelling along surrounding streets of Russet Drive and Hundred Acre Way. Boundary treatments of the development along Poppy Way consist of low boundary hedging or an open boundary which presents an emphasis on the spaces in and around dwellings. Front vegetation, street trees and gaps between buildings over garages enable views to the tops of trees in rear gardens, together with the well vegetated green corridors that run through the estate which reinforces a green, well vegetated and open residential character which contributes to the qualities of local distinctiveness in this particular location.
7. The appeal site is located at the end of a cul-de-sac leading off Poppy Close and consists of a two storey dwelling which fronts onto a green space which contains an equipped area of play that is part of a larger green corridor that passes through the estate. The dwelling was constructed as part of the residential estate and therefore carries a number of the design features as the surrounding dwellings being two storeys, of brick construction with accommodation within the roof space. As the appeal dwelling has been positioned to directly overlook the play area, the building is quite prominent. The prominence of the appeal site has been increased by the erection of a garage which appears to have been constructed on the front boundary of the property, forward of the host dwelling which is clad in black boarding.
8. When assessing development concerning outbuildings, the West Suffolk Joint Development Management Policies Document 2015 (DMPD) Policy DM2 lists a number of development principles around local distinctiveness such as key features, characteristics, landscape/townscape character, amongst others. Additionally, DMPD Policy DM24 lists considerations for development within the curtilage of a dwelling such as respecting the size, scale, design, character, and overdevelopment of curtilage, amongst others.
9. In considering the scheme I acknowledge the appellant's comments with regards to the principle of a garage building having been established by the granting of a previous planning consent as discussed above. Whilst this may be the case, the assessment is made upon the differences from this approved scheme, which consists predominantly of the increased apex, footprint and external staircase as the main differences and concerns highlighted in the Council's Officer Report. The building as assessed under this appeal is larger, with an elongated pitched roof, which as a result of the alterations has a very 'top-heavy' appearance that is now awkward and disproportionate in its appearance within the locality when compared to the previous scheme. The garage will have already have had some prominence via its location forward of

the dwelling, however the scheme is now at a level where it is harmful to the character and appearance of the area and detracts from the appearance of the existing dwelling and the surrounding locality. It is made clear in DMDP Policies DM24 and DM2 that there is an emphasis on understanding the surrounding context, and consideration of design, scale, proportion, amongst others. However this scheme would be like nothing surrounding and have a domineering appearance towards the front of the dwelling.

10. Additionally, the placement of an external staircase has a very poor appearance and adds unnecessary clutter to the side of the building which is unlike anything surrounding and detracts from the character of the existing building and the positive qualities of the local area which contribute to local distinctiveness.
11. In conclusion of this matter, and based on the information before me, the proposed alterations to the garage do not embrace the qualities of local character or distinctiveness and would consequently cause harm to the character and appearance of the existing dwelling and the surrounding locality. The scheme is therefore contract to DMDP Policies DM2 and DM4 as described previously.

Other Matters

12. I note comments within the planning application from an interested party that expresses concerns regarding the discharging of conditions from a previous planning application, deeming that the current garage does not have consent. As mentioned previously, the judgement about lawfulness of development is not part of a S78 appeal and is therefore not relevant to my consideration under this appeal.
13. I also note comments from an interested party with regards to overlooking into the front of their property from the garage. Having assessed the garage on my site visit, I am not of the opinion that the garage would cause adverse harm as a result of overlooking. I note that this conclusion was also raised in the Planning Officer's report that also considered this.

Conclusion

14. For these reasons, I conclude that the appeal should be dismissed.

J Somers

INSPECTOR