

Appeal Decision

Site visit made on 25 April 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/D3505/D/23/3318571

8 The Pot Kilns, Great Cornard, Suffolk CO10 0DY

- 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 & Mrs Avery against the decision of Babergh District Council.
 - The application Ref DC/22/06118, dated 9 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is a first floor extension and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the residential amenities of neighbouring residents with regard to outlook and privacy.

Reasons

3. The description above was amended by the council to 'Raised roof incorporating first floor extension (following demolition of existing roof area), alterations to external appearance and fenestration'. I have retained the original application description as I am not aware that the change was agreed.
 4. This is a large plot, within the development area, served by a narrow access road. The existing house has been significantly extended. Although concerns have been raised with regard to parking provision and overdevelopment, this is a large plot overall and appears to be capable of accommodating a larger house. Although the appearance of the existing dormer bungalow frontage would be lost, the proposed front elevation would be well articulated and of an appropriate scale and proportions. It would have a more modern appearance with appropriate detailing and as it would be set below the level of the road, its relative height would not be out of keeping.
 5. The house is already very prominent in views from the adjacent bungalow, Squirrels, which is set much lower than this house. The rear garden of that property extends close to the built form of the appeal dwelling. The greater height and particularly the greater depth of development close to this boundary would result in it being significantly more prominent from below. This impact
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would be reduced to some extent by the presence of large trees. It is also evident that at present, the main focus of activity in the adjacent garden is set away from this boundary and close to the bungalow. The orientation would ensure that the greater proposed height would not significantly alter shading levels within that garden.

6. Despite the above, the increased height of the house would be significantly more imposing. Whilst the front element of the house, including the revised side facing gable, may only increase the perceived level of enclosure to a limited extent, the very deep unrelieved nature of the proposed side elevation, to accommodate bedroom 1, due to its position and overall height and depth, close to the boundary and extending almost the entire width of the adjacent garden, would result in it being overly dominant. It would unacceptably reduce the outlook from the garden of the neighbouring dwelling. The unrelieved bulk and height of this elevation would also be visible above the fence when viewed from Shawlands Avenue. Although the property is set well back from this road and the intervening trees would reduce its wider impact, the detail and form of this elevation would not represent high quality design and would detract from the character and appearance of this area.
7. The elevation includes a first-floor window which currently serves a bathroom. It is not obscure glazed at present and offers clear views down towards the neighbouring garden and the rear facing windows of that house. The proposal is for this to be replaced by a larger bedroom window. This change in the use of the room would be likely to result in a significantly greater level of overlooking, or certainly a greater perception of being overlooked, notwithstanding the availability of views when residents use the bathroom. Although not ideal in design terms, obscure glazing of the lower parts of this new window would address this concern and could be required by condition.
8. The opposite elevation would similarly have a considerable bulk and limited design detail. This would have a lesser impact on the local environment and residents of neighbouring properties. It would be apparent from the footpath but the limited range of views from the path would not result in unacceptable harm. Whilst not a positive feature, this elevation would not result in the same level of harm as the southwest facing elevation. Concern has also been raised with regard to the proposed new rear facing large windows/doors and Juliet balconies. The windows to bedroom 1 would increase the potential for overlooking down towards the garden of Bankside. Whilst not a positive feature of the design, this would not be unacceptably harmful for those residents given the distances, garden layout, the angle of views and the intervening trees and vegetation.
9. Concerns have been raised with regard to the structural integrity of the site due to underground works. This is a matter that would need to be resolved, if necessary, through the building control procedures. With regard to planning matters, although there is no reason why the property could not be remodelled and extended, the proposed scale of new development close to the side boundary, particularly the element associated with bedroom 1, would result in the scale of the building being overly dominant when experienced by the residents of Squirrels. This reduction in outlook would result in unacceptable harm to their living conditions when enjoying their garden in particular. The unrelieved full depth and height of the new dwelling, viewed above the shared

boundary, would also detract from the character of the area and would represent poor design. It would therefore conflict with the design and amenity objectives of saved policies CN01 and HS33 of the Babergh Local Plan 2006; and the design objectives of policy CS15 of the Babergh Local Plan (2011-2031) Core Strategy & Policies 2014. As these policies generally accord with both the design and amenity requirements of the National Planning Policy Framework, I afford them full weight.

10. The appellants' make reference to the revised permitted development rights with regard to upward extensions, which indicate support for such additions from government. The particular details of this proposal have to be considered as part of this current process and it is those details, rather than the principle, that is unacceptable. Although bungalows are common in this area, there are other two storey properties and the principle of a full two storey dwelling does not result in an overriding concern. The presence of the existing windows and proposed roof lights in the southwest elevation, aside from the bathroom window considered previously, do not result in increased privacy concerns. I am mindful of the benefits to the appellants and their family that the greater amount of accommodation would bring. I have also had regard to the benefits to the economy from such an investment.
11. In conclusion, whilst I have had regard to the matters put forward in favour of the development, including those that have written in support, I am not satisfied that these outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR