
Appeal Decision

Site visit made on 4 May 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2023

Appeal Ref: APP/X3540/W/22/3308732

29D Quilter Road, FELIXSTOWE, Suffolk, IP11 7JJ

- 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 John Clemence against the decision of East Suffolk Council.
 - The application Ref. DC/22/0665/FUL, dated 17 February 2022, was refused by notice dated 24 August 2022.
 - The development proposed is erection of replacement dwelling following demolition of existing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the appeal site and the Felixstowe Conservation Area; and (2) the living conditions of adjacent residents, with particular reference to outlook, privacy and access to light.

Reasons

Character and Appearance

3. The appeal property is a single-storey vacant dwelling that was originally built as an outbuilding to 29 Quilter Road when it was a single dwelling; it is now three properties. The group are located in the Felixstowe Conservation Area, this part of which is characterised by its mostly Victorian/Edwardian buildings in the roads behind the waterfront. Quilter Road contains large detached, semi-detached and terraced dwellings of the period set behind shallow front gardens. There is a reasonably consistent 'building line', and with few exceptions, any buildings set further back from the road tend to be single-storey.
4. The existing building on the appeal site is one of these examples, being set back towards the rear of the plot. Although an attractive building of traditional materials and detailing, it currently has little visual impact on the street scene due to overgrown planting. It is not highlighted in any conservation area appraisal, and I agree with the appellant's view that the existing building does not make a significant contribution to the character of the area. Nevertheless, its contribution is positive. I do not consider that the building's current form and condition detracts from the character and setting of the conservation area, as suggested by the appellant.

5. However, the building is in a poor state of repair, and the principle of its loss has already been accepted with the grant of planning permission for a replacement dwelling in 2018, under ref. DC/18/0820/FUL. There is no evidence that this permission has been implemented, but it remains relevant. The 2018 scheme appears to have largely replicated the existing building with the same profile, features and design, but with a modest increase in footprint to create a single-storey two-bedroom property.
6. The proposal would increase the building footprint, with the veranda space absorbed into habitable rooms. The eaves and ridge heights would be raised to accommodate two bedrooms in the roof space. I appreciate that there is no requirement to create a facsimile of the existing structure, but the replacement building would bear little relation to the design, form and architecture of the building which it would replace or the adjacent dwellings; the timber feature at the gable apex, found on more substantial buildings in the wider area, has little reference to the existing building. The use of good quality materials could be secured by a planning condition, but this is only one aspect of a successfully integrated design.
7. Given the prevailing pattern of development in the conservation area, the scale of the structure would be out of keeping for a recessed 'outbuilding'. It would no longer appear subservient to the original host property (29 Quilter Road), and the historic relationship would be lost. It would be a more dominant and overly-scaled feature on this small site, with far greater visual presence as a result of its height and roof form, set behind an open parking area and garden. This would be at odds with Policy SCLP11.5 of the Suffolk Coastal Local Plan 2020 (LP), which requires proposals for development within a conservation area to be of an appropriate design, scale, form, height, massing and position, and to retain features important to settlement form and pattern such as plot divisions and the hierarchy of buildings.
8. I appreciate that the proposal has been designed to provide a better level of accommodation to meet modern expectations, and to appeal to a wider range of potential occupants. However, as proposed, this enhanced accommodation on such a constrained site would not be compatible with its setting.
9. Appendix 1 to the appellant's appeal statement makes reference to other single storey dwellings set back in Quilter Road. However, this proposal is not for a single-storey building, and as such other examples offer limited support. Moreover, there is no objection in principle to replacement of the existing building in its similarly recessed position.
10. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. The loss of the existing building has already been accepted, but on the basis of its replacement with a building of comparable design and scale that reflected the characteristics of the building in situ and its relationship with the former host dwelling. This proposal would not enhance the character or appearance of the area, but in replacing the existing with a less sensitive structure it would not preserve or have a neutral effect.
11. Having regard to paragraph 202 of the National Planning Policy Framework (the Framework), I consider that the resultant harm of the proposal on the significance of the conservation area would be less than substantial, but this must nevertheless be weighed against its public benefits. The replacement of a

derelict building in the conservation area would be beneficial but this would be outweighed by the impact of the proposed design and form of the replacement. The 2018 planning permission demonstrated that a two-bedroom property could be created on the site, and the benefit of the enhanced accommodation in this proposal would not be sufficient to outweigh the visual and other harm.

12. I therefore conclude that the proposal would detract from the character and appearance of the appeal site and would fail to preserve or enhance those of the Felixstowe Conservation Area. This is in conflict with the statutory duty, paragraph 202 of the Framework, and LP Policy SCLP11.5; and with the high quality design requirements of LP Policy SCLP 11.1, which amongst other criteria supports development which demonstrates a clear understanding of the built and historic environment, responds to local context and the form of surrounding buildings in relation to scale and character, and which is of a height and massing that is well related to that of its surroundings.

Living Conditions

13. The appeal site is part of a tight-knit residential area, and this former outbuilding is tucked between other properties, a number of which have windows facing towards the site.
14. Although the appellant advises that this proposal would occupy the same footprint as the existing dwelling, the relationship to neighbouring dwellings would be significantly different as a result of the increased height, gabled roof form and position of windows. The replacement building would be sited close to side and rear facing windows of 27 Quilter Road (No.27), but with the potential for direct overlooking from the proposed front-facing first-floor bedroom window. This would be at much closer range than the side-facing windows in Nos. 29A - 29C Quilter Road (Nos 29A – 29C).
15. There would be potential for overlooking from this window of the private garden areas of Nos. 29A and 29B, and the area to the side of the outrigger of No.27. Given the small rear garden of the appeal site, close range views into the gardens of dwellings in Constable Road would also result from the rear-facing bedroom window.
16. The appellant advises that the proposed windows would not overlook areas which are not already overlooked by the first-floor windows of other properties. I accept that there is a degree of mutual overlooking, but the additional windows would be introduced at closer range. The suggested obscure-glazing to side rooflights would not mitigate the impact of the gable windows.
17. The building would be materially higher than the existing, and with a more imposing gabled roof form. As a former outbuilding to No.29, there is a modest gap between the site and the rearmost units of that property. As the primary windows for these dwellings face towards the existing building, a higher structure would have a material impact on the outlook from those rooms, and would result in an oppressive sense of enclosure. Due to the orientation, for a significant part of the day there would likely be a material reduction in daylight and sunlight reaching the lower windows. The appellant advises that the Council's allegation of harm on this point is vague and unsubstantiated, but no evidence has been supplied to demonstrate otherwise, and I find light loss to be a likely consequence in view of the limited gap between buildings.

18. Whilst it may not result in material light loss, the increased height and depth of the building alongside the boundary with No.27 would also be overbearing for occupants of that property, as the structure would dominate the outlook from the dwelling and much of the garden.
19. I therefore conclude that the proposal would materially diminish outlook, privacy and access to sunlight and daylight for neighbouring residents, to a degree that their living conditions would be harmed. This would be contrary to LP Policy SCLP11.2, which seeks to ensure that development does not cause an unacceptable loss of amenity for existing and future occupiers of development in the vicinity, having regard to matters including privacy/overlooking, outlook, and access to daylight and sunlight. It would also conflict with paragraph 130 f) of the Framework, which requires developments to create places which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

20. Matters relating to potential boundary encroachment raised in representations are civil matters between the parties and beyond the scope of this appeal.

Conclusion

21. The appeal site constitutes previously developed land and is sustainably located in a major settlement. The principle of the replacement of the building has previously been accepted, but for the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR