



Appeal Decision

Site visit made on 16 May 2023

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2023

Appeal Ref: APP/F3545/D/23/3318019

11 Ipswich Street, Bury St Edmunds, Suffolk IP33 1SX.

- 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 Mrs Josephine Souriel against the decision of West Suffolk Council.
 - The application Ref DC/22/2202/HH dated 21 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is:
 - Demolition of existing rear 3.2m² lean-to extension and replace with new, 3.2m² single storey rear extension.
 - Demolition of rear, 43m² annexe buildings and replace with a new, 48m² single storey rear extension with links to main house.
 - 3.7m² Extension to existing second floor.
 - 2 No. Roof gardens - with a transition zone linking the two.
 - New roof to front elevation with a rear flat roof section to accommodate new staircase.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether the proposed development would have a detrimental impact on:
 - The living conditions of present and future occupants of Nos 7-10 Ipswich Street as a result of overlooking and the close proximity and height of the development.
 - The character and appearance of the terrace and its surroundings on Ipswich Street.

Reasons

3. The appeal site sits on the south west side of Ipswich Street which is characterised by two storey, terraced houses finished in brick, render or, as in the case of the appeal property, painted brick. No 11 is the end of terrace and at some point appears to have been extended to infill the space between it and the plot boundary. The Lantern – a flatted development - lies immediately adjacent to the north west.
4. The appeal site is a deep, narrow plot which angles away from the house towards the south west where there is a gated pedestrian access heading east onto Peckham Street. No 10 has a pedestrian right of access as an emergency route from this walkway over No 11's plot.

5. The appeal property has a single storey rear offshoot running virtually the full depth of the plot. The proposal is for the redevelopment of this rear extension to a broadly similar footprint except at the south western end which will be extended to be slightly wider. The replacement rear extension would have a roof top terrace running its full length with a louvred screen to avoid overlooking of neighbouring properties. It is also proposed to extend the main property at roof level to facilitate access onto the roof terrace from the main house.
6. Being within the town of Bury St Edmunds the extension and alterations of dwellings would be acceptable in principle under *The Joint Development Management Policies Document* (JDMPD) Policy DM24 subject to satisfactory resolution of the main issues.

Living Conditions

7. The nature of the spaces to the rear of the terrace is that there is already the opportunity for overlooking between rear courtyard spaces, in particular between No 11 and No 10 its immediate neighbour from which it is only separated by a waist-height picket fence. It has therefore been put to me that neighbours are already used to higher levels of overlooking.
8. Notwithstanding this, in recognition of the potential for additional overlooking from a more elevated position, the appellant proposes to install a 1.8 metre high louvred screen system which would prevent downward overlooking but allow light through. Whilst this would protect against overlooking for the most part towards Nos 9 and 10 it would not do so entirely as it is proposed that the linking sections between the main sections of the roof terrace and on both staircases would simply be waist height railings. There will therefore be the opportunity for additional overlooking and particularly to the terraced garden of the Lantern development adjacent where it would appear there is no proposal for a louvred screen on the middle section of the terrace.
9. Even if the louvred screen was extended to resolve this problem this would simply have the effect of creating height and mass at a high level over an even greater length than is currently proposed. Viewed from No 10's courtyard the effect of the louvred screen on top of the flat-roofed extension would appear significantly overbearing. I acknowledge that the appellant has sought to keep the roof to the new extension as low as possible but, even allowing for this, and the fencing being planted to form a green screen I am not persuaded that the impact of such a high structure in the confined spaces of the courtyard would be mitigated.
10. The *National Planning Policy Framework* (the Framework) at Paragraph 130 requires that development creates high standards of amenity for existing and future users, an objective which is reflected in JDMPD Policy DM24 on dwelling extensions. The policy requires that the proposal will not adversely affect residential amenity of occupants of nearby properties amongst other things. For the reasons above, mainly the height and mass of the proposed extension with its roof terrace screening, the proposal would be in conflict with both the Framework and Policy DM24.

Character and Appearance

11. The character of the rear terrace in Ipswich Street is a typical one of tightly knit courtyards and generally small single storey extensions. Whilst in the immediate

vicinity of the site, extensions and offshoots are typically pitched roof, in the wider vicinity there are flat roof rear extensions.

12. Accordingly, the contemporary flat roof design of the replacement extensions would not necessarily be out of keeping but the rooftop louvred screens and especially the screening to the upper roof terrace would be highly intrusive, out of scale and out of keeping with the surroundings of the terrace even allowing for the fact that these terraces are proposed to be landscaped.
13. In terms of the extension to the main roof fronting Ipswich Street, the proposal continues the roof plane to the frontage in appropriate materials and I accept that it would have no adverse impact on the street. In fact in resolving a rather awkward end to the current roof line it would enhance the streetscape. However, this benefit is not continued to the rear where the flat roof box projection on the rear roof slope and the upper roof terrace would intrude into the plane of the largely unaltered rear roof slope.
14. It has been put to me that The Lantern development with its large terrace (won on appeal) means that the modest changes to No 11 cannot be argued to be out of character. However, notwithstanding the proximity of The Lantern development, the immediate context to No 11 is one of traditional terracing in which the proposals would appear incongruous and out of character.
15. For the reasons above the proposed extensions, largely due to the effect of the roof terrace screening, would adversely impact on the character and appearance of the immediate terrace. It would therefore conflict with that section of JDMPD Policy DM2 on development principles which requires all development to recognise and address key features, characteristics, townscape character and urban form. It would also be in conflict with Policy DM24 on extensions which requires development to respect the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area. These policy objectives would not be met by the proposal.
16. It is open to me to reach a split decision on the appeal allowing in part and dismissing other elements and I have considered this approach in this case allowing the single storey extensions but dismissing the proposed roof terraces. However, as the appellant makes it clear that the principal intention is to secure additional private amenity space through the construction of the terraces and, given that these are at least functionally linked to the whole proposal, a split decision would not be appropriate.

Other Matters

17. I accept that the appellant, in proposing the extensions and roof terrace is seeking to secure modern living space and in particular to create private amenity space from a situation where there is currently very little. In this way the proposal would make sustainable and effective use of existing housing land, objectives which are encouraged by the Framework in sections 5 and 11. However, Paragraph 124 in Section 11 of the Framework makes clear that maintaining an area's prevailing character and setting must be taken into account and in this case making sustainable and effective use of land would not outweigh the harm to character and appearance or indeed the harm to living conditions.

Conclusion

18. For the reasons above, there would be harm to the character and appearance of the terrace and to the living conditions for neighbouring occupants. Accordingly, the appeal is dismissed.

P. D. Biggers

INSPECTOR