

Appeal Decision

Site visit made on 5 December 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/F3545/D/23/3325267

The Croft Mildenhall Road, Barton Mills Suffolk IP28 6BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs Marsh against the decision of West Suffolk Council.
- The application Ref DC/23/0172/VAR, dated 2 January 2023, was refused by notice dated 23 May 2023.
- The application sought planning permission for Householder planning application - a. two storey front extension; b. two storey side and rear extension; c. conversion and extension of existing garage to habitable space; d. single storey side extension to existing garage (following demolition of existing flat roofed garage); e. roof alterations to existing link extension; f. two bay cartlodge with room above, without complying with a condition attached to planning permission Ref DC/22/0021/HH, dated 7 July 2022.
- The condition in dispute is No 2 which states that: *The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:*

Reference number	Plan type	Date received
P- 6479 - 04 REV A	Proposed elevations & floor plans	1 April 2022
P- 6479 - 01 REV A	Location & block Plan	1 April 2022
P- 6479 - 02 REV A	Proposed floor plans	1 April 2022
P- 6479 - 03 REV A	Proposed elevations	1 April 2022
P- 6479 - 05 REV A	Proposed block plan	1 April 2022
P- 6479 - 06 REV A	Ex elevations & floor plans	1 April 2022
P- 6479 - 07	Existing and Proposed elevations	1 April 2022
(-)	Application form	6 January 2022

- The reason given for the condition is: *To define the scope and extent of this permission.*

Decision

- The appeal is dismissed.

Preliminary Matters

- Since the appeal was lodged, a revised National Planning Policy Framework (Framework) has been published. This has not raised any new matters which are determinative in this appeal.
- For the purposes of this appeal, the rear elevation is that which addresses number 25 Mildenhall Road, and the track-facing side elevation is that which addresses the track from which access to the appeal site is secured.

Background and Main Issue

4. Planning permission was granted under application reference DC/22/0021/HH (the original permission) which permitted the construction of extensions to the house and an outbuilding within the appeal site. The appellant wishes to amend the design of the proposed extensions from those originally permitted. To this effect, an application was made to vary condition 2 of the original permission. The proposal subject of that application was refused by the Council and is the subject of this appeal.
5. The main issue is the effect that varying the condition would have on the character and appearance of the area.

Reasons

6. The original permission is still extant, and there is no conflict between the description of the development permitted by it and the proposal subject of this appeal.
7. Located outside of the settlement boundary of Barton Mills, as defined within the Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 (the local plan), the appeal site is within the countryside. It contains a previously extended house and associated gardens. The appeal site is located between several houses accessed off Mildenhall Road and agricultural fields. Access to the site is via a track which joins the road close to the junction between Mildenhall and Station Roads. This track is also a public right of way, and beyond the site, it passes adjacent to and through a neighbouring field. Despite the proximity of the larger neighbouring dwellings, the moderately sized house on the site, boundary hedgerows, neighbouring fields, and the access track, all afford the site a sense of relative seclusion and a pleasant semi-rural character.
8. In addition to compliance with the other criteria, in countryside locations, local plan policy DM24 requires proposals for the alteration or extension of a dwelling to be subordinate in scale and proportion to the original dwelling. More generally the policy also requires such proposals to respect the character, scale, and design of existing dwellings and the character and appearance of the immediate and surrounding area.
9. The grant of the original permission has authorised further extensions and alterations to the existing dwelling, as well as the construction of an outbuilding. The height of the previous extensions, as well as those subject of the original permission, are lower than the original dwelling. As such, and in terms of its height, the original dwelling has and would continue to retain prominence over the previous extensions and the development subject of the original permission.
10. The proposals subject of this appeal, which include a 2-storey rear extension, would have a ridge height that would be similar, if not the same, as the tallest part of the original house. The rear extension would also have a depth that would be comparable to that of the main part of the original dwelling. As such, the 2-storey rear extension, which would be separated from the original parts of the dwelling by a lower 2-storey section of the house, would fail to be subordinate in either scale or proportion to the original dwelling.

11. Notwithstanding that hedgerows border much of the appeal site, there is a gap in the location of the main vehicular access. Through this gap, and from the public right of way, good visibility into the site and of the nearby existing house, can be secured.
12. The original permission has authorised sizeable extensions to the house. The effect of the proposed development would be to further enlarge the house and to increase its bulk and massing. Although in terms of area, the further increase would be relatively small, the raised height and greater depth of the 2-storey rear extension would materially enlarge the scale of the house. In visual terms, this enlargement would significantly increase the prominence of the building, especially when viewed from the track through the gap in the hedgerow.
13. The implementation of the proposals subject of this appeal would result in the track-facing side elevation of the dwelling having a better sense of balance than that authorised by the original permission. Notwithstanding this, when considered as a whole, and due to its increased height, extent and scale, the proposed development would have a harmful urbanising effect on both the appeal site and the wider area.
14. For the reasons given, varying the condition would have a harmful effect on the character and appearance of the area. It would conflict with policies DM2, DM24, and CS5 of the local plan. Amongst other things, these policies require development to be of a high quality that reinforces local distinctiveness; and to respect the character and appearance of the area and the character, scale, and design of existing dwellings. It would also conflict with paragraph 135 of the Framework, which seeks to ensure that development adds to the overall quality of the area, is sympathetic to local character, and maintains a strong sense of place.

Other Matters

15. Even if the internal layout resulting from the implementation of the proposals would better suit the family occupying the house, this would be a private benefit, to which very little weight is attributed.

Conclusion

16. The proposed development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually, or in combination, that outweigh the identified harm and associated development plan conflict.
17. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR