



Appeal Decision

Site visit made on 25 March 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/X3540/D/23/3335085

12 Holland Road, Felixstowe, IP11 2BA

- 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 Peter Clifford against the decision of East Suffolk Council.
 - The application Ref is DC/23/3114/FUL.
 - The proposed development is an enclosed amenity area and installation of air condition unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the site visit I noted that the appeal proposal had already been built out. The description given on the application form includes the words 'Retrospective permission' but as this is not a description of development, I have omitted it from the description of development.
3. The site lies within the Felixstowe South Conservation Area and therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies which requires special regard to be had to preserving or enhancing the character or appearance of the conservation area.
4. The Appellant was unable to provide access to the site at the date of my site visit. However, by viewing the relationship between the dwellings from the rear alleyway and surrounding streets I am satisfied that I saw everything I need to determine this appeal.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the host building and the surrounding conservation area and (ii) the residential amenity of the adjoining residents in relation to loss of outlook and light (to occupiers of no.14) and overbearing impact and noise.

Reasons

Character and Appearance / Conservation Area

6. The appeal site is located within the Felixstowe South Conservation Area (FSCA). Predominant characteristics of this part of the FSCA are uniform terraced properties of soft red brick with repetition of design. Key features

- including balconies, ironwork and large dormer windows to the front are referenced in the Felixstowe Conservation Area Appraisal. To the rear, properties are characterised by their two-storey dual pitched rear wings that extend into modest rear outdoor space. There are examples of further rear extensions, however these usually scale down toward the rear external area.
7. The appeal property is a mid-terraced three storey dwelling, rendered and painted grey. The rear single storey extension subject to appeal covers the entire footprint of the external ground floor outdoor amenity space and the guttering and eaves overhang the adjoining properties, namely No's 10 and 14 Holland Road. The air conditioning unit is positioned on top of a metal framed structure overhanging the alleyway to the rear of the property. The extension is timber, with differing roof styles, heights and materials including a central glazed lantern style roof. Materials used on the elevations are grey painted timber cladding and black UPVC window frames.
 8. On visiting I observed that the extension is visible from Manning Road. The raised glazed lantern style roof element of the extension is particularly prominent. The air conditioning unit is also visible from Manning Road, when looking towards the rear alleyway to the appeal property.
 9. I find that the rear extension by reason of its three different roof forms, grey timber cladding materials and size within the available curtilage creates a piecemeal extension that fails to respect the integrity of the design and simplistic characteristics of the original host dwelling identified above. The air conditioning unit is utilitarian in appearance and is incongruous to the residential building.
 10. In relation to the character of the conservation area, the extension and air conditioning unit fail to demonstrate an understanding of the key features of local character or respond to the local context and form of surrounding buildings by virtue of their inappropriate scale, massing, design, materials and relationship with other buildings and the street scene. The rhythm evident to the rear of the properties on Holland Road created by regular dual pitched rear wings extending into modest external space is disrupted by the appeal proposal. In doing so it fails to preserve or enhance the character of the conservation area described above. The proposal can be seen from public vantage points within the conservation area. Overall, I find that the proposal causes harm to the character of the conservation area, albeit less than substantial harm due to its position at the rear of the appeal property and it being seen from limited public vantage points.
 11. Consequently, I find the proposal in conflict with Policies 11.1- Design Quality and 11.5 - Conservation Areas of the East Suffolk Council - Suffolk Coastal Local Plan (2020), (LP) and the Suffolk Coastal Local Plan Supplementary Planning Guidance 16 (2003) House Alterations & Extensions (SPG16) as it fails to respect the identified design characteristics of the dwelling or surrounding conservation area.

Residential Amenity

12. The rear garden areas of the neighbouring properties are small. I find that the extension is overbearing in terms of its impact on no.'s 10 and 14 Holland Road, due to its height, massing, and size in that it covers the entire footprint

of the external ground floor outdoor amenity space and the guttering and eaves overhang the property.

13. Whilst there is no overlooking as a result of the extension, the unacceptable impact on No.14 in terms of loss of outlook and light is evident due to the scale, massing, height and bulk of the extension, which is unduly dominating.
14. There is no information submitted demonstrating that the noise impact to neighbours of the air conditioning unit(s) would be acceptable. However, I have had regard to the representations of the Council's Environmental Health Officer, neighbours and the Town Council, and find that it is more probable than not that the proposed air conditioning units would emit tonal noise that would be at the very least a cause of irritation to nearby occupiers in a residential area.
15. Consequently, I find the proposal in conflict with Policy 11.2 of the LP and SPG16 in that it fails to protect the residential amenity of adjoining residents in relation to loss of outlook and light (to occupiers of no.14) and overbearing impact and noise.

Other Matters

16. Local residents are concerned that the use of the extension as a "party room" or "mini nightclub" is causing noise disturbance. The proposal before me is for a house extension for residential use. As such, I am unable to address any issues of general noise disturbance emanating from the premises. This would be covered by separate legislation.
17. My attention has been drawn to other approved air conditioning units.¹ However, these relate to commercial premises in different areas and I have therefore attributed them little weight in my deliberation.
18. My attention was also drawn to other rear extension approvals – one being the smaller extension already approved at the appeal site, another at 13 Holland Road. I do not consider either proposal to have a significant bearing on the acceptability or otherwise of the proposal before me, which is assessed on its own merits.

Conclusion

19. In exercising my statutory duty to have special regard to the preservation or enhancement of the conservation area, I have attached great weight to the identified harm. Having regard to paragraph 208 of the Framework, I find that there are no public benefits that outweigh the harm.
20. Framework paragraph 139 is also engaged which states that development that is not well designed, particularly where it fails to reflect local design guides, should be refused.
21. Overall, I conclude that having taken into account all representations made, the proposal is contrary to the development plan and there are no material considerations including the Framework that outweigh the conflict. The appeal should be dismissed.

¹ DC/20/1309/FUL 2 Market Place, Southwold Co-Op Group Food Ltd; DC/21/5396/FUL 91-93 Undercliff Rd West, Felixstowe Sirmani Foods Ltd

A Hartley

INSPECTOR