



Appeal Decision

Site visit made on 30 May 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/X3540/W/23/3331040

Land rear of 15 Lee Road, Aldeburgh, Suffolk IP15 5HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs P Watson against the decision of East Suffolk Council.
 - The application Ref is DC/23/1850/FUL.
 - The development proposed is demolition of domestic garage. Erection of new two storey dwelling. Site works in connection.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision the boundary of the Aldeburgh Conservation Area has been extended to include the appeal site. The appeal site also adjoins the Aldeburgh Park Conservation area. I have determined the appeal on that basis.
3. Harm to the landscape and scenic beauty of the Southwold Harbour and Suffolk Coast and Heaths National Landscape, within which the appeal site lies, did not form part of the reasons for refusal. As the site is contained within an established residential area within the town, I have no grounds to disagree with the Council in this regard.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area with particular regard to Aldeburgh Conservation Area and Aldeburgh Park Conservation Area; and
 - the effect of the proposal on the living conditions of the occupiers of 15 Lee Road and Crescent Cottage with particular regard to privacy and light.

Reasons

Character and appearance

5. The appeal site lies within character area 2 of the extension to Aldeburgh Conservation Area (ACA), the 19th century area. This part of the ACA includes late 19th and early 20th century housing development constructed largely on

land within the former grounds of Crespigny House which were undeveloped until portioned off into plots and offered for sale in the mid-19th century. The significance of the ACA, as extended, derives, in part, from its development as a 19th and 20th century expansion of Aldeburgh.

6. The appeal site also lies within the setting of Aldeburgh Park Conservation Area (APCA). The significance of the APCA, insofar as it relates to the proposal, is derived from its planned layout which, according to the Character Appraisal and Management Plan, focused on landscaping and gardens to evoke the feeling of being within the countryside rather than the seaside.
7. The site fronts onto the unmade Crescent Road. On the east side, within the ACA, there are some dwellings, as well as several buildings that are used for purposes ancillary to properties on Lee Road, including garages and annexes. The west side of Crescent Road lies within the APCA and comprises a number of dwellings of varied size, design and appearance. The wide grass verges, mature trees and hedgerow planting along Crescent Road are notable features contributing to a verdant, spacious and pleasant quality.
8. The site forms part of the rear garden area of 15 Lee Road (No 15). Notwithstanding the hipped roof detached garage and limited mature planting it contains, it positively contributes to the spaciousness of Crescent Road.
9. The proposed development would span the entire width of the site, mostly at a two-storey height. This would, when combined with the annex to 17 Lee Road and the double garage that adjoins it, form a significant built-up frontage resulting in a reduction in legibility of the original Crespigny House plots, and a material erosion of the spacious character of Crescent Road. Furthermore, the footprint of the proposed dwelling and hard surfacing, would cover a substantial proportion of the plot, resulting in a cramped form of development. It would not be possible to soften the appearance of the dwelling through landscaping given the limited space for planting that would remain. Consequently, the development would be a discordant and contrived feature in this location that would harm the character and appearance of the ACA and the setting of the adjoining APCA.
10. Paragraph 135 of the National Planning Policy Framework (the Framework) seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Additionally, developments should be sympathetic to local character and history whilst not preventing appropriate innovation or change. In my judgement, the proposal neither reflects the character or history of the surrounding environment nor represents innovation in design. In addition, whilst the proposal may accord with aspects of the National Design Guide and the National Model Design Code (NMDC), it does not respond to the local heritage and therefore does not meet the characteristics of well-designed places and demonstrate good design set out in such guidance.
11. Paragraph 205 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

12. With reference to paragraph 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, due to the other dwellings on the east side of Crescent Road, the harm would be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
13. I note that the proposal would, through the delivery of an additional dwelling, contribute towards the Frameworks aim to boost the supply of housing and would provide accommodation that meets the needs of young families and that is adaptable to make it suitable for the elderly and infirm. However, the nature and scale of such public benefits would be small. Benefits to the local economy relating to the construction and occupation of the dwelling would also be small. In the absence of any other clearly identifiable public benefits, I conclude that the scheme's benefits would not outweigh the less than substantial harm that I have identified.
14. For the above reasons, the proposal would harm the character and appearance of the ACA and the setting of the adjoining APCA. It would therefore be contrary to Policies SCLP5.7, SCLP11.1, and SCLP11.5 of the Suffolk Coastal Local Plan (LP). Such policies seek to ensure that development preserves or enhances the character or appearance of conservation areas, does not result in harm to the character of the area and is of a high-quality design. Accordingly, it would not satisfy the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Living conditions

15. LP Policy SCLP11.2 states that when considering the impact of development on residential amenity, regard will be had to, amongst other things, privacy and overlooking, and access to daylight and sunlight.
16. The Council considers that due to the rear facing windows of the single storey element of No 15 being within 20 metres of the first-floor windows of the proposed dwelling, overlooking would harm the living conditions of the occupants of No 15. Such a separation distance is, however, comfortably within the 15m to 20m range set out in the NMDC. In consideration of the NMDC guidance and having regard to the single storey element of the proposed dwelling which would interrupt the line of sight between such windows, I am satisfied that the extent of intervisibility would not lead to an unacceptable loss of privacy for the occupiers of No 15.
17. The proposal would result in some overshadowing of Crescent Cottage. Nonetheless, as it is located to the north of the proposed dwelling, the level of shade caused would be limited. I therefore find that overshadowing would not be to the extent where unacceptable harm to the living conditions of the occupiers of Crescent Cottage would arise. Furthermore, for the same reasons, I find that the proposal would not have an unacceptable effect on vegetation noting that any planting close to the boundary within the garden of Crescent Cottage is already in shade due to the existing boundary fence.
18. Whilst not shared by the Council, concern has been expressed that the proposal would result in some loss of privacy to the occupants of other dwellings nearby. Nevertheless, the position of the windows within the proposed development, separation distances and proposed boundary

treatments would be sufficient to ensure that the living conditions of the surrounding neighbours would not be unacceptably harmed.

19. Accordingly, the proposal would not harm the living conditions of the occupiers of 15 Lee Road and Crescent Cottage due to loss of privacy or light and would thus accord with the residential amenity requirements of LP Policy SP11.2.

Other Matters

20. Based on the evidence before me, the appeal site lies within the Zone of Influence of multiple European designated sites which are vulnerable to recreational disturbance. However, because the scheme is unacceptable for other reasons there is no need for me to consider the implications of the proposal upon such designated sites as would otherwise be required by the Conservation of Species and Habitats Regulations 2017.

Conclusion

21. Whilst I have found that the proposal would not harm the living conditions of the occupiers of neighbouring properties, this does not outweigh the identified harm to the designated heritage assets. The proposed development, therefore, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
22. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR