



Appeal Decision

Site visit made on 9 July 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/X3540/W/23/3333807

114 Church Street, Orford, Suffolk IP12 2LL

- 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 Mrs Jenny Mackenzie against the decision of East Suffolk Council.
 - The application Ref is DC/23/0928/FUL.
 - The development proposed is described as "change of use of residential annex to separate dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for change of use of residential annex to separate dwelling at 114 Church Street, Orford, Suffolk IP12 2LL in accordance with the terms of the application, Ref DC/23/0928/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council have stated that they received a "RAMS financial contribution" on 12 March 2024 which addresses the second reason for refusal in the decision notice. The Council confirm that they withdraw the second refusal reason. I have therefore determined this appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area and (ii) the living conditions of existing and future occupiers of neighbouring properties and the proposed dwelling with regards to noise and disturbance.

Reasons

Character and appearance

4. The area surrounding the appeal site is characterised primarily by residential properties although there are some commercial buildings within the wider setting as well as a church to the north of the site. The built form in the area is mixed with buildings facing onto main roads with also back land development having properties situated away from the roads. It is this variation of built development that contributes positively to the character of the area.
5. The proposal is for the change of use of an existing building. Given the size and location of the appeal building, it is in keeping with the prevailing pattern of development in the area. Whilst the use of the building as a dwelling would change its function, it nevertheless, would not fundamentally alter the effect it would have on the local built context and would not be at odds with the pattern of the surrounding built form. Due to its position and scale, the proposed

development would not appear contrived or cramped and would not be overdevelopment that would compromise the character and appearance of the surrounding area.

6. The design of the proposed building would not reflect the appearance of the majority of residential properties in the area. The proposal, however, would not be readily visible from public vantage points and it would not be unduly harmful to the design or aesthetics of surrounding dwellings or the character of the surrounding street scene.
7. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies SCLP5.1, SCLP5.7 and SCLP11.1 of the East Suffolk Council Suffolk Coastal Local Plan 2020 (LP) which seeks development to be of a scale appropriate to the size, location and character of the village, not result in harm to the street scene or character of the area and support locally distinctive and high-quality design.

Living conditions

8. The proposal would have a bedroom that has windows overlooking the shared parking area to the north of the site. It is noted that there would be vehicles parking and manoeuvring in this area that would not be in the control of future residents of the proposed property. The bedroom windows in the north elevation are small with the primary window of this proposed bedroom facing west. Given the size and position of the windows in the north elevation and the residential character of the parking area, the living conditions of future residents of the proposed property would not be adversely compromised in terms of noise and disturbance.
9. The appeal building is directly adjacent to neighbouring gardens. The proposal would intensify the use of the appeal building however, given the proposed residential nature and the size of the property, it would not have an adverse effect on neighbouring occupiers' enjoyment of their garden areas with regards to noise and disturbance.
10. The proposal would not have a harmful effect on the living conditions of existing and future occupiers of neighbouring dwellings and the proposed property with regards to noise and disturbance. The proposal would be in accordance with Policies SCLP5.7, SCLP11.1 and SCLP11.2 of the LP which seeks development not to harm residential amenity of occupants of either the existing or proposed dwellings and have regard to noise and disturbance.

Other Matters

11. The appeal site lies within the Orford Conservation Area (OCA) and the grade II listed buildings of 112-115 Church Street lie to the north of the site.
12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the duty imposed by Section 72(1) of the Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area. Moreover, paragraph 205 of the National

Planning Policy Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

13. The Council found that the proposal would not result in harm to the heritage assets. Due to the design, scale and position of the proposal, it would not have a harmful effect on the heritage assets and therefore would preserve the setting, character and appearance of the OCA and the grade II listed buildings.

Conditions

14. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. To prevent undue risk to the local environment and future users of the site, a condition is imposed in relation to contamination. Some permitted development rights have been removed in the interests of protecting the local environment, living conditions of neighbouring occupants and the setting of the nearby heritage assets. In the interests of highway safety, a condition is necessary with regards to parking and manoeuvring areas. A condition relating to electric vehicle charging and cycle storage is necessary to support sustainable modes of travel.
15. The Council had requested that a condition be imposed relating to materials. However, I do not consider this necessary as materials are detailed on the submitted plans.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6415 1; and the parking plan.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D, E of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.
- 4) The development hereby permitted shall not be occupied until the vehicle parking and manoeuvring spaces have been provided in accordance with drawing no 6415 1. Thereafter those spaces shall be retained for the parking of vehicles and manoeuvring only.
- 5) The development hereby permitted shall not be occupied until the electric vehicle charging infrastructure and the secure cycle storage have been provided in accordance with drawing no. 6415 1. Thereafter these shall be retained, maintained and used for no other purpose.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.