

Appeal Decision

Site visit made on 25 October 2024

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 November 2024

Appeal Ref: APP/X3540/W/24/3342808

Woodside, Martlesham Road, Little Bealings, Suffolk IP13 6LX

- 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 D Boswell against the decision of East Suffolk Council.
 - The application Ref DC/23/2095/VOC, dated 25 May 2023, was refused by notice dated 12 March 2024.
 - The application sought planning permission for construction of one detached dwelling and garage, without complying with a condition attached to planning permission Ref DC/22/2984/FUL, dated 8 March 2023.
 - The condition in dispute is No. 2 which states that: "The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's, 3005-101A (first floor plan), 3005-200A, received 18 January 2023, 3005_55A, 3005_056A, 3005_050A received 09 January 2023, 3005-100A, 3005-101A (roof plan), 3005-102A, 3005-300A, 3005-700A, 3005-710A, 3005-702A and 3005-703A received 30 November 2022."
 - The reason given for the condition is: "For avoidance of doubt as to what has been considered and approved."
-

Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. As I observed on site, a dwelling with integral garage has been constructed and largely completed on the appeal site. Whilst I have observed what has been built on site, my principal assessment of the appeal proposal is based on the plans before me. For the avoidance of doubt, these are the revised plans sought by the Local Planning Authority (LPA) to more accurately reflect what had been constructed. These amended plans were provided by the appellant on 19 February 2024. These are the same plans on which the LPA made its decision.
3. The development approved by the LPA on the appeal site under application Ref DC/22/2984/FUL comprised a detached dwelling positioned back within the plot to align with the dwelling at 'Woodside' to the west. The approved dwelling comprises a chalet style dwelling, providing first floor accommodation within the roofspace. The approved dwelling would occupy approximately two-thirds of the width of the plot such that it would retain a notable degree of spaciousness to the short section of Beacon Lane to the east. The approved plans also included a detached garage forward of the front elevation of the dwelling, positioned within the plot towards the corner boundaries of

Martlesham Road and Beacon Lane. The approved garage building took a broadly square form with a pyramidal roof, at a pinnacle height appreciably lower than the ridge line of the approved dwelling.

4. What is being sought through the appeal proposal would effectively comprise a new wing to the east of the approved dwelling. Accordingly, the footprint of the dwelling would increase significantly and extend very close to the boundary with Beacon Lane. This wing would mostly project forward of the front elevation of the approved dwelling and encompass the footprint of the approved detached double garage. Consequently, the garage element would be an integral part of the dwelling. This would be achieved through a consistent structure with a unified tall, pitched roof form to provide first floor accommodation within the roofscape, including above the garage space. The height of this amended development would be only slightly lower than the ridgeline of the originally approved dwelling but notably taller than the modest garage building approved. Moreover, to integrate the new wing to the approved dwelling would require altering the approved straight gable end of the main body of the dwelling by extending the taller pitched roof form over to the roof pitch of the new wing. This would further enlarge the bulk and massing of the overall dwelling. From the proposed plans for the appeal scheme, some of the currently approved relatively modest openings within the roofscape of the main dwelling would be replaced by large pitched-roof dormer openings, whose ridgelines would broadly align with the main east-west ridge of the house. Again, this would add to the appearance of a bulkier building.

Main Issue

5. The main issue is the effect that varying the condition would have on the character and appearance of the surrounding area.

Reasons

6. The appeal site is in a small cluster of dwellings that are otherwise in the countryside. There is a prevailing rural character to the limited settlement in this part of Little Bealings in part due to the generally spacious arrangement of dwellings within their plots and attendant landscaping. The principle of a dwelling in this rural cluster has been accepted on the appeal site in accordance with Policy SCLP5.4 of the Suffolk Coastal Local Plan adopted in September 2020 (the SCLP). Whilst Policy SCLP5.4 allows for infilling in such rural clusters it does however contain qualifying criteria including at d) that new dwellings do not cause undue harm to the character and appearance of the cluster. Allied to this, Policy SCLP11.1 of the SCLP seeks to secure a high quality of design across the plan area. These are the most relevant development plan policies for this appeal, and they are consistent with the National Planning Policy Framework (NPPF) in its objective to achieve well-designed places.
7. The pattern of development at the appeal location is arranged in a linear form along both sides of Martlesham Road. The vast majority of dwellings are set back from the highway, particularly on Martlesham Road. This includes 'Woodside' to the west of the site and to a lesser extent No.68 Martlesham Road to the east of the site. As such the appeal proposal by virtue of its height and forward projection would introduce a conspicuously bulky form of development that would be highly prominent within Martlesham Road. Whilst I note the position of the approved detached garage building, due to its lower

height and good degree of separation from the approved host dwelling, this would appear as a modest, ancillary feature in the street scene. In contrast, the proposed bulky scale and form, including the taller pitched roof, of the elongated wing would harmfully protrude into the rural street scene in this part of Martlesham Road.

8. Whilst there are examples of recent infilling in Martlesham Road, for example to the east of No.68 Martlesham Road, the overriding character of the cluster, particularly on Martlesham Road remains one of spaciouly arranged dwellings within sizeable and generally verdant plots. The appellant submits there is variety in the scale, density and architectural appearance of housing within the cluster such that the appeal proposal would assimilate into its surroundings. Whilst I observed some smaller, traditional cottages to the east that are closer to the highway and a similarly positioned modern, red-tiled building to the west, these are the exceptions. Notably, the traditional cottages still retain a modest scale at significant variance to the sizeable massing and bulk of the resulting totality of the appeal proposal dwelling. None of these examples occupy the full width of their plots and they retain a good degree of spaciousness. Overall, they do not set a pattern of development that would support the much tighter arrangement on the appeal site resulting from the cumbersome bulk and scale of the appeal proposal within this rural cluster.
9. The appeal proposal would retain an appropriate degree of separation from development to the north, but the proposed extended scale and form of the dwelling along an appreciable length of the eastern boundary of the appeal site would be harmfully dominant within the adjacent, short section of Beacon Lane. There would be a detrimentally enclosing effect arising from the continuous length and uniform height of the dwelling adjacent to and above the tall timber boundary fencing to the plot. It would be an imposing form, exacerbated by its generally blank appearance, resulting in an uncharacteristically overbearing arrangement, acutely at odds with the otherwise prevailing spacious pattern of development. I find this harm to the character and appearance of the cluster to be particularly detrimental.
10. The appellant seeks to emphasise that the additional elements subject to the appeal proposal should be regarded as single storey and that they would be lower than the approved dwelling. From the submitted plans, there would be a first floor within the tall pitch of the roofspace in the new wing (described on the plans as "open plan space"), accessed by an internal staircase and served by large gable end glazing (including on the elevation facing Martlesham Road) and rooflights. Accordingly, it would patently appear and be experienced as a bulky one and a-half storey building. The difference in ridge levels between the appeal proposal and the main body of the approved dwelling would be minimal. The appellant submits that the appeal proposal has been constructed to a good quality such that causes no harm to the character of the area. Whatever, the standard of construction and quality of materials used, this does not overcome the fundamental issue that the appeal proposal would represent a stark and harmful overdevelopment of the site, entirely at odds with the cluster's prevailing spacious and verdant character.
11. I therefore conclude that the appeal proposal would adversely affect the character and appearance of the surrounding area. Accordingly, the appeal proposal would be contrary to Policies SCLP5.4 and SCLP11.1 of the SCLP in that it would cause undue harm to the character and appearance of the cluster

and does not demonstrate a clear understanding of its context such that it would fail to complement local character. In particular, the appeal proposal would fail to meet criterion c) of Policy SCLP11.1 in that its overall scale would be poorly related to its surroundings, that the layout would not fit in well with the existing neighbourhood layout, the height and massing would not be well related to the surroundings and the clear relationship between buildings and spaces would be unacceptably eroded. Overall, the appeal proposal would fail to contribute to achieving well-designed places in accordance with the NPPF including the factors set out at paragraph 135, criteria (a) to (e).

12. The LPAs decision notice references SCLP Policy SCLP10.4 on landscape character. Whilst the appeal location is for the purposes of planning policy in the countryside, the appeal site is firmly located within, and not at the edge of, the rural settlement cluster. As such I do not consider Policy SCLP10.4 to be relevant in this instance.
13. As the appellant submits, a hypothetical alternative would be to submit a planning application to separately extend the approved dwelling. In terms of this comprising a potential fall-back position, I note that a previous proposal for two dwellings on the appeal site was refused. Additionally, the LPA has provided details of pre-application advice¹ it has given in relation to a proposal to extend the approved dwelling (albeit slightly different to what has eventually been sought through this appeal proposal). Whilst the advice indicates a well-designed extension might be acceptable, it nonetheless identifies the issues of extending the dwelling as approved and advised that aspects of the pre-application scheme would be resisted. As such I give negligible weight to a fall-back position of seeking a separate planning consent to extend the approved dwelling along similar lines to what is being proposed through this variation of condition appeal. Ultimately, I share the LPAs assessment as part of this appeal that what has been granted planning permission on the appeal site under reference DC/22/2984/FUL would provide for a reasonably sized dwelling that optimises the development potential of the site in a way which would appropriately maintain the area's prevailing character and secure a well-designed place.

Other Matters

14. The LPAs decision notice cites a conflict with SCLP Policy SCLP11.2. This is a policy on residential amenity, although it is not clear from the LPAs single reason for refusal that there is an assertion of significant harm in this regard. The appeal proposal would result in a bulkier form of development close to the boundary with that part of Beacon Lane which forms a narrow highway separating the appeal site from No.68 Martlesham Road to the east. The boundary of No.68 to this part of Beacon Lane comprises a tall solid timber fence. In terms of outlook, a first floor opening on the nearest part of No.68 Martlesham Road appears to be obscured glazed and so there would be no harm to outlook or privacy here. There are various openings on a rear projection to No.68 which face towards the appeal site, including at first floor level. These are a short distance from the appeal site, with the intervening rear garden and tall solid boundary fence to No.68. I have observed the photographs provided by the occupants of No.68, but I have treated these with some caution because I cannot be certain of the angle or focal length at which

¹ DC/23/1469/PREAPP

these images were taken. Whilst there can be little doubt that the appeal proposal would be visible in the outlook of various openings at No.68 and when in the rear garden of this property, I am not persuaded that it would be unduly prominent. A reasonable sense of openness in the outlook from No.68 would remain to the north-west across the rear garden of the appeal site. Accordingly, I find no conflict with SCLP Policy SCLP11.2.

15. Various representations, refer to drainage issues at the appeal site. Because I am dismissing this appeal on the main issue, it is not necessary for me to consider this further. A condition (No.8) was attached to the planning permission under reference DC/22/2984/FUL in relation to preventing surface water discharging onto the highway and the details for this were necessarily a pre-commencement requirement. From everything that is before me, including the LPAs appeal statement², compliance with that condition remains to be resolved.

Conclusion

16. As set out above, I have accepted that the appeal proposal would not result in significant harm to residential amenity. However, on the main issue for this appeal there would be significant harm, contrary to the development plan policies which are most important for determining the appeal proposal. The absence of harm to residential amenity would not amount to a material consideration sufficient to outweigh the identified conflict with the development plan.
17. I have had regard to all other matters raised, but there is nothing to lead me to conclude other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.

² At Paragraph 4.13