

Appeal Decision

Site visit made on 6 January 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Appeal Ref: APP/X3540/W/24/3347856

Snape Garage, Church Road, Snape, Suffolk IP17 1QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Moss of Snape Motor Company against the decision of East Suffolk Council.
 - The application Ref 24/0605/VOC, dated 16 February 2024, was refused by notice dated 10 April 2024.
 - The application sought planning permission for enclosed workshop extension, to be used for light repairs to vehicles without complying with a condition attached to planning permission Ref DC/23/0458/FUL, dated 17 October 2023.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be completed in all respects strictly in accordance with 6415-3 received 3/2/2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.*
 - The reason given for the condition is: *For the avoidance of doubt as to what has been considered and approved.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Background and Main Issue

3. Planning permission was granted for the construction of a workshop at the appeal site¹. This has been constructed otherwise than in accordance with the approved plans. The appellant seeks to vary condition 2 to reflect the changes which have been made.

¹ Planning Application Ref: DC/23/0458/FUL

4. The Council's reason for refusal sets out that its concerns in respect of the 'as built' development as shown on the amended plans is the consequence of the height and massing of the workshop on the living conditions of neighbouring residents. Therefore, the main issue is the effect that varying the condition would have on the living conditions of the occupants of 2 The Glebes (no 2), with regard to outlook and sunlight.

Reasons

5. The single storey workshop has a single bay and flat roof. It is located to the rear of the appeal site and is on a higher land level than no 2. The workshop is 0.2m higher and 2m greater in depth than the approved workshop. It has retained the 0.6m gap from the boundary fence with no 2. However, the boundary fence tapers away from the workshop and results in an approximate 1.4m gap at the widest point.
6. The neighbouring property, no 2, is adjacent to the main garage building and its garden is located to the side of the dwelling and widens to the east. Its external amenity space is small and the property itself is close to the boundary of the appeal site. There are a number of outbuildings in the garden of no 2, one of which is located close to the boundary of the appeal site. Additionally, there is a lean-to side extension adjacent to the appeal site which results in a smaller amenity space.
7. The increase in height of the workshop results in it being 1.1m taller than the boundary fence and considerably taller than the outbuildings belonging to no 2. Given the proximity of the workshop to no 2, an addition of 0.2m to the previously approved 0.9m accumulatively results in the height of the workshop being overly dominant and creates a sense of enclosure, especially in relation to the small garden of no 2 and the rear windows of the dwelling. Additionally, considering the workshop is located to the south of no 2, this increase in height results in the reduction of sunlight into the garden of no 2 and consequently results in harm to the living conditions of the occupants of no 2 in relation to their private external amenity space.
8. The development projects nearly in line with the rear elevation of no 2 and therefore is almost the length of the amenity space. The tapering of the boundary results in a 1.4m gap between the workshop and the fence at the widest point. Whilst this is a larger gap than the 0.6m which was deemed acceptable in the previous permission, when considered in conjunction with the height of the workshop, the extra two metres further exacerbates its dominating effect upon the external amenity space of no 2.
9. In conclusion, the workshop results in unacceptable harm to the living conditions of no 2, with regard to outlook and sunlight. It therefore follows that a variation of condition 2 would conflict with Policies SCLP11.1 and SCLP11.2 of the East Suffolk Council – Suffolk Coastal Local Plan 2020. These policies seek to ensure, amongst other things, that developments respond to their local context, are well related to their surroundings and not result in harm to the living conditions of the occupants of neighbouring dwellings.

Conclusion

10. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR