



Appeal Decision

Site visit made on 21 July 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/F3545/W/24/3339311
Nowell Lodge Fordham Road Newmarket CB8 7AQ

- 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 Keith Hutchinson against the decision of West Suffolk Council
 - The application Ref is DC/23/0773/FUL.
 - The development proposed is Conversion of existing garage to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Conversion of existing garage to dwelling at Nowell Lodge Fordham Road Newmarket CB8 7AQ in accordance with the terms of the application, Ref DC/23/0773/FUL, subject to the following 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: 2021/010 (proposed plans).
 - 3) During construction of the development hereby permitted, the trees located within or adjacent to the application site shall not be lopped or felled without the prior written consent of the local planning authority.
 - 4) During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.
 - 5) Construction works and ancillary activities, including deliveries to / collections from the site in connection with the development shall only be carried out between the hours of: 08:00 to 18:00 Mondays to Fridays 08:00 to 13.00 Saturdays and at no times during Sundays or Bank / Public Holidays.
 - 6) No external lighting shall be fixed to or around the building which is the subject of the works hereby consented without the prior written approval of the Local Planning Authority.
 - 7) Notwithstanding the provisions of Schedule 2 Part 1 Class A, Class B, Class E and Class F of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no additional fenestration or enlargement, improvement or external alteration of the dwelling hereby approved, including alterations to the roof or the introduction of any parking area, shall be carried out without prior written permission of the local planning authority.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The proposed dwelling would be converted from an existing domestic garage located at the southern corner of the grounds of Nowell Lodge which is a recent development of purpose-built apartments comprised in a three-storey building. The building which is proposed to be converted (the Building) is brick built with a steep clay-tiled roof and sits adjacent to the gated entrance to Nowell Lodge from Fordham Road. This is a long, straight main road into Newmarket flanked by mature trees, hedges and road verges which contribute a green, sylvan character generally characterised by large, detached dwellings, situated on generous plots which are set back from the highway. However, the apartment block which is the setting for the proposal and a large, modern care home nearby are dominant features within the immediate area and contrast with that previously prevailing character.
4. Although located close to the front site boundary which is uncharacteristic of the general pattern of development in this locality, the Building is well screened by existing vegetation including a protected tree between the tall hedged front boundary and the building itself. The Building is discretely located and not prominent in the street scene, consequently, although the works proposed will alter the appearance of the building by the introduction of doors and rooflights, these changes will not be widely visible.
5. The Council express concern that the change of use will introduce a materially more prominent arrangement than currently exists and conflict with the generally open environment in which the apartment block, Nowell Lodge, sits. Whilst residential use can be impactful in the sense that there may be domestic paraphernalia or incidental activities introduced, or reduction in screening, which draw attention to residential activity, these can be minimised by condition. Having regard to small size of the unit which is not unlike a one-bedroom apartment and its location and setting, despite its position close to the front boundary, the resulting change would neither be obtrusive or prominent in the street scene, being located within the enclosed setting to Nowell Lodge. It is also noted that the proposed dwelling will not be provided with a parking space in front of the building as was originally intended and this will also reduce the visual impact of the change of use.
6. The site lies outside, but close to, the boundary of the Newmarket Conservation Area (NCA); the proposal abuts Fordham Road and therefore would be arguably within the setting of the NCA. Noting the general duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as my reasons explain I do not consider that scope of change introduced would

measurably affect the overall character and appearance of the area, nor, therefore, would there be harm to the significance of the NCA.

7. I have concluded that the proposal would not harmfully detract from the character and appearance of the area due to its appearance, location and setting. I find little conflict with Policies DM2 or DM22 of the West Suffolk Joint Development Management Policies Document which seek to protect local distinctiveness and design based on local characteristics. The Council have, without prejudice to the outcome of this appeal, provided a set of suggested conditions which I have considered and adjusted accordingly to meet the tests set out in the NPPF in so far as they are necessary to protect the visual amenity of the area and ensure impacts from the new use are minimised and for that reason also I have included a condition to significantly limit the scope of permitted development. It is on that basis that subject also to the usual plans and timing conditions, I conclude that the proposal would accord with the development plan taken as a whole and that consequently, taking all matters raised into account, the appeal should succeed.

Andrew Boughton

INSPECTOR