



Appeal Decision

Site visit made on 18 March 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2025

Appeal Ref: APP/X3540/D/24/3352393

Bligh Manor, The Ferry, Felixstowe, Suffolk IP11 9RZ

- 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 Dan Shavick against the decision of East Suffolk Council.
 - The application Ref is DC/24/1132/FUL.
 - The development proposed is replace roof of the main part of the building with a mansard roof, change second floor internal layout, replace the two second floor balconies with a single terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The decision notice refers to the impact of the proposed development upon two dwellings located to the southeast of the appeal property. Whilst the site location plan does appear to show two dwellings in that location, at the time of my site visit only Fairway was present. I have not been provided with any details of the status of the other plot in terms of whether it will accommodate a dwelling in the future but, in any event, Fairway is the closest of the two. Therefore, I have been able to base my assessment on the impact on that dwelling.

Main Issues

3. The main issues are the effect of the proposed development on (i) the living conditions of the occupants of Fairway with particular reference to overlooking and (ii) the character and appearance of the host dwelling and the area.

Reasons

Living conditions

4. The proposed development includes a new second floor terrace to the rear. At the present time there are small balconies accessible from two of the dormers on the rear roof plane. The closest of those balconies to the dwelling at Fairway allows overlooking onto the rear garden area of that adjacent property and towards the dwelling itself. There is also existing overlooking possible towards Fairway from existing first floor bedroom windows and from a first floor terrace.
5. Whilst overlooking presently exists, the second floor balconies are not of a size that allow people to stand or sit outside for long periods of time. Views from the first floor balcony are taken from further away than the proposed new terrace and are partially screened by the projection of the dwelling at first floor level. The view from the bedroom windows does allow vision directly into the garden of Fairway,

but from a lower angle than that which would be possible from second floor height. Furthermore, when within the rear garden of Fairway, residents of that property would be more acutely aware of people overlooking from outside on a new elevated terrace as opposed to those looking from inside from an established window.

6. The proposed second floor terrace would allow overlooking directly down onto Fairway from a high angle and from close proximity. Its size would enable several people to be outside on the terrace for long periods of time, especially in favourable weather conditions. This would allow for intrusive and prolonged overlooking to occur onto the private rear garden area of the adjacent dwelling, extending materially beyond what is possible between the two properties at the current time.
7. This would result in harm to the living conditions of the occupants of Fairway, even on consideration of the presence of the existing windows, terrace and balconies. The proposed obscurely glazed screening shown on the plans would not be of a height to be able to prevent overlooking from persons who were standing, and therefore would not serve to prevent harmful overlooking from occurring towards Fairway.
8. In conclusion, the proposed development would fail to accord with Policy SCLP11.2 of the Suffolk Coastal Local Plan 2020 (LP) where it seeks to protect the living conditions of the occupants of development in the vicinity.

Character and appearance

9. The appeal dwelling sits on a large plot and is a dwelling of considerable scale and prominence within the surrounding area, being viewable in particular both from the seafront walkway which runs to the rear of the site and across the golf course to its front. There is a great variation in the design and height of existing development in the vicinity, and a number of different styles of roof present, including one Mansard roof on a nearby dwelling. As such, there is no defining style of dwelling in the area. The considerable separation between buildings serves to reduce any impact of these differences.
10. At present the roofscape of the appeal dwelling is of no great design merit, especially when viewed from the rear where three large dormer windows crowd the roof plane. The proposed Mansard roof would represent an improvement in the appearance of the roof as compared to what exists at the present time and would embody a more coherent design approach for the roof as a whole. Therefore, even though the appeal dwelling is prominently located, there would be no harm to the character and appearance of the host dwelling or the area as a result of what is proposed.
11. For these reasons I conclude that the proposed development would not cause harm to the character and appearance of the host dwelling or the surrounding area. It would therefore accord with Policy SCLP11.1 of the LP where it seeks to support high quality design.

Other Matters

12. There were a number of representations made at planning application stage in support of the proposed development, and no objection was received from

Fairway. However, neither the volume of representations received nor the absence of objection justify the permitting of a proposal that would result in clear harm.

Conclusion

13. Although I find no harm to the character and appearance of the host dwelling and the area, I do find harm to living conditions and a consequent conflict with the development plan. The design benefits that I have found that would arise do not outweigh the harm to living conditions that would result. Therefore, I conclude that the appeal should be dismissed.

Graham Wright

INSPECTOR