



Appeal Decision

Site visit made on 19 May 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Appeal Ref: APP/X3540/W/24/3355464

6 Green Lane, Kessingland, Lowestoft NR33 7RP

- 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 Gilbert against the decision of East Suffolk Council.
 - The application Ref is DC/24/1452/FUL.
 - The development proposed is proposed dwelling, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an amended drawing (3167/24/2A) with the appeal. I note this was submitted to the Council while it was considering the application, it did not accept these drawings. That was a matter for the Council and is not within the remit of this appeal.
3. The Procedural Guide: Planning Appeals – England is clear that the appeal process should not be used to evolve a scheme and that what is considered at appeal is essentially the same scheme that was considered by the Council and interested parties. The amended plan shows changes to the materials to be used in the finish of the building and amendments to ground levels which would result in the proposed dwelling appearing slightly lower. However, I cannot be certain that there would not be prejudice to parties from the alterations to ground levels and the effect this may have on surface water drainage. I have therefore determined the appeal on the plans used by the Council in reaching its decision.

Main Issues

4. The main issues in this appeal are the effect of the proposal on the:
 - living conditions of surrounding occupiers with respect to outlook, enclosure and daylight; and
 - character and appearance of the area.

Reasons

Living Conditions

5. The properties on Green Lane have particularly short amenity areas separating them from the properties on Belvedere Drive. Consequently, the proposed development would appear particularly prominent when viewed from the properties

to the rear of the site which only benefit from fairly modest rear gardens. While it is understandable that there are no windows on the rear elevation of the proposed dwelling, this results in the proposal presenting an unrelieved blank elevation to the properties to the rear. This exacerbates the overbearing effect of the proposal when viewed from the properties to the rear, particularly their gardens. Consequently, there would be an adverse effect on the outlook from the neighbouring properties.

6. Given the orientation and layout of the properties, there would be a limited loss of light to the rear gardens of the properties to the rear which would not result in unacceptable harm to the living conditions of the occupiers of those properties. There would not be unacceptable harm to the adjacent properties on Green Lane due to the layout of the proposed dwelling.
7. Given the above, I conclude that the proposal would have an adverse effect on the living conditions of surrounding occupiers with respect to outlook and enclosure. It would therefore be contrary to East Suffolk Council – Waveney Local Plan (Adopted March 2019) (LP) Policies WLP8.29 and WLP8.33 and Kessingland Neighbourhood Plan (Made on 25 January 2017) (NP) Policy H2 which require development to protect the amenity of neighbours and not cause unacceptable harm through means such as overbearing forms of development.

Character and Appearance

8. The dwellings on Green Lane are varied in terms of their height, scale, form, appearance and materials. The dwellings immediately adjacent to the site have prominent front projections, while the dwellings opposite have small gable features and single storey projections to the front elevation. There is not a strong visual coherence to the street.
9. The plot for the proposed dwelling is compact and so the dwelling would occupy much of it. The proposed dwelling would be slightly set back from the front of the plot and have a two storey projection to the front. However, this would not be dissimilar to the adjacent properties in the terrace which projections which extend to the front of the plot, including one which is two storey. Dwellings further along Green Lane sit similarly to the front of plots. In this context, the proposed dwelling would not appear visually dominant in the street scene.
10. The proposed dwelling would be reflective of the pattern of fenestration of those dwellings opposite. Its front gable feature would be different, but not unrelated to the surrounding street scene. It would not appear incongruous or poorly designed, but would integrate into the varied street scene in which it would sit.
11. The proposal would have an acceptable effect on the character and appearance of the area. It would therefore be in accordance with LP Policies WLP8.29 and WLP8.33 and NP Policy H2 which require infill development to be in keeping with and reflect the character of surrounding development and respond to local context.

Other Matters

12. I have been referred to an extant permission¹ on the appeal site. While the appellant acknowledges carrying out this proposal may be problematic, I have no reason to think that there is not a real prospect that this development might take

¹ DC/22/1085/FUL granted 10 August 2022

place were this appeal dismissed. However, that dwelling would be notably smaller in scale than the development before me. When viewed from the properties to the rear, it would be clearly lower in height, with a reduced mass. Therefore, the fallback would, in my judgement, be less harmful than the appeal proposal. The fallback position therefore would not weigh in support of the appeal.

13. The appeal site is within the recreational disturbance Zone of Influence for habitats sites as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy. This was the basis of the Council's third reason for refusal. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats sites and if any mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the habitats sites, with or without any mitigation, would be at best a neutral matter.
14. The site is, in principle, a sustainable location for a dwelling to be located, and there would be a benefit from the delivery of a dwelling. There would be economic benefits during the construction and occupation stages of the development. However, I attach limited weight to these given the proposal is for a single dwelling.
15. The site would be at a low risk of flooding. Off-street parking would be provided and there is no suggestion of unacceptable contamination of the site. There is no evidence of protected species on site. However these matters would be neutral in my assessment.

Planning Balance

16. The Council has confirmed that in the Waveney area, a 3.33 year supply of housing land can be demonstrated. In such circumstances, paragraph 11d)ii of the Framework is engaged. This sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having regard to key policies.
17. The proposal would direct development to an appropriate location and, in principle, would make an effective use of land. There would be an undoubted benefit from the delivery of an additional dwelling in such a location which could likely be delivered quickly as a small site. There would be economic benefits during the construction and occupation stages of the development, including to services within Kessingland.
18. I am satisfied the proposed development would have an acceptable effect on the character and appearance of the area. Suitable living conditions would be provided for future occupiers of the site, along with off-street parking provision. The proposal would comply with the building regulations. There is no indication the site is at risk of flooding or unacceptable levels of contamination. Such matters are to be expected of any well designed development and so would be neutral in my assessment.
19. Against these benefits are the adverse impacts that I have identified in respect of the living conditions of nearby occupiers. These bring the proposal into conflict

with paragraph 135 of the Framework in so far as it requires development to provide a high standard of amenity for users. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development

Conclusion

20. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR