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## 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: 16 June 2025

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**Appeal Ref: APP/X3540/W/24/3354829**

**20 Lakeside Avenue, Thorpeness, Aldringham Cum Thorpe, Suffolk IP16 4NJ**

- 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 and Mrs Gemmel and Mr and Mrs Turner against the decision of East Suffolk Council.
  - The application Ref is DC/22/3624/FUL.
  - The development proposed is proposed demolition of existing dwelling and erection of 2no residential dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has confirmed the site address is 20 Lakeside Avenue, and not 21 as stated on the appeal form.

### Main Issues

3. The main issues in this appeal are:
  - the effect of the proposal on the character and appearance of the area with particular regard to the Thorpeness Conservation Area; and
  - the effect of the proposal on the living conditions of neighbouring occupiers.

### Reasons

#### *Character and Appearance*

4. The appeal site consists of a spacious plot with a detached property set towards the boundary with 18 Lakeside Avenue. It lies within the Thorpeness Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its interest as a rare example of a planned seaside resort with planned vistas and a mix of man-made and natural landscape features. The Thorpeness Conservation Area Appraisal and Management Plan (TCAA) confirms that the earliest houses were laid out in a formal and linear way and that scrub was allowed to grow between properties and open boundaries. It also noted that each house was subtly different.
5. Lakeside Avenue is a long straight road, albeit with a small roundabout, with residential properties to either side. The long vista leads to the golf club and hotel

which provides a focal point at the end of the street. The TCAA sets out that the large plots help to unite the varied character of the road and my observations at my site visit were consistent with this. The appellant has demonstrated these plots are not precisely uniform in size. However, the extent of this variation is limited and is not readily apparent when looking along the street. It therefore does not detract from the prevailing spacious plots that form part of the character and appearance of the CA.

6. There is no prevailing architectural style or rhythm to dwellings along Lakeside Avenue, nor in proximity to the site. The existing dwelling is of limited, if any, architectural merit. However, its size, scale and position within the plot are commensurate with the prevailing character and grain. It has the characteristic large front garden. It therefore does not present as a weak gap in the street scene. Taken as a whole, the dwelling and plot are a neutral feature within the CA.
7. The proposal would see the demolition of the existing property and its replacement with two detached dwellings. There would be only limited gaps between the proposed dwellings, and in their relationship with the neighbouring properties. The submitted plan does not propose any demarcation within the front garden to separate the two plots. However, as two dwellings, and with the installation of boundary treatments to the rear garden, the proposed development would result in the site being split into two plots. The resulting plots, with their limited width and increased proportion of developed footprint to garden space within each plot, would be incongruous features within the CA.
8. There would be an increased demand for parking, which would be sited to the front of the dwelling. However, parking in the front gardens of properties is characteristic of the area. It could also be mitigated through the imposition of conditions. This therefore would have a neutral effect on the character and appearance of the CA.
9. There is no objection to the design of the proposed dwellings, which would reflect aspects of the appearance of surrounding properties. The appellant has directed me to other properties along the street which occupy much of the width of the available plot. However, the variation in appearance and dwelling type is a feature of the properties along Lakeside Avenue. These other properties remain as clearly occupying an individual plot, which is materially different to the proposal before me. It may be there are other locations within the CA, and even along Lakeside Avenue, where the grain of properties varies. However, I have assessed the site in its context. Consequently, these factors would not alter my assessment of the effect of the proposed development on the character and appearance of the CA.
10. I have been provided with two comments from internal consultees with regard to design and conservation which reach different conclusions. However, the local planning authority is not obliged to follow the advice of any of its consultees. I have considered these comments, however I have carried out my own assessment of the proposal which is set out above.
11. The proposal would be harmful to the character and appearance of the CA, and would fail to preserve its significance. In such circumstances, Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that any harm to the significance of a designated heritage asset should

have a clear and convincing justification. Given that the harm would be localised to Lakeside Avenue, it would be less than substantial, but nevertheless of considerable importance and weight.

12. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal would add a family-sized dwelling to the local housing supply. There would be economic benefits during the construction and occupation stages. There would be social benefits from an increase in population to support local services. Ecological enhancements could be secured. However, these benefits are insufficient to outweigh the harm that I have identified.
13. The proposal would not have an acceptable effect on the character and appearance of the area and would fail to preserve the character or appearance of the Thorpeness CA. It therefore would fail to satisfy the requirements of the Act, section 16 of the Framework and Suffolk Coastal Local Plan (adopted 23 September 2020) (LP) Policy SCLP5.7 which requires development to be well related to adjacent properties including the design of curtilage areas.

### *Living Conditions*

14. The appellant has submitted a sunlight and daylight assessment with the proposal. This sets out that the effects of the proposal on levels of sunlight and daylight to neighbouring properties would be within acceptable limits. This includes to the garden room of the neighbouring property which has openings on the side and rear elevations as well as rooflights. This is acknowledged by the Council and I have no reason to disagree with its findings.
15. The findings of such an assessment are not necessarily determinative of the effect of a proposal. However, given the orientation of the properties with the rear gardens facing to the approximate north and the relationship of the single and two storey elements of the proposal to the neighbouring properties, I am satisfied that unacceptable harm would not arise with respect to the levels of sunlight and daylight received by the neighbouring properties.
16. The proposed dwellings would project further into the rear garden than the existing property. It would also project beyond the rear elevation of 22 Lakeside Avenue. This would not be unduly large given the generous length of the plot. The two storey element of the proposal adjacent to the boundary with no.22 would sit adjacent to the garden room extension. While there would be a further two storey element, this would be set away from the boundary. There would be a loss of outlook to this side window, however given its proximity to the boundary and the limited outlook it enjoys at present due to the fence, this harm would be limited. The rear facing windows have their outlook restricted by the boundary treatment and hedge. The single storey nature of the proposal beyond these windows, and the spacious nature of the plot of no.22 is such that the proposal would not cause an unacceptable loss of outlook from these windows, or for occupiers when using the rear garden. Nor would there be an undue sense of enclosure to those occupiers.
17. The proposal would therefore have an acceptable effect on the living conditions of neighbouring occupiers. It would therefore be in accordance with LP Policies SCLP11.2 and SCLP5.7 which require development to not cause significant harm to, or unacceptable loss of, residential amenity of occupiers of existing dwellings.

## Other Matters

18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Thorpeness Mill is a Grade II listed building, the significance of which lies in its historic interest which was relocated from elsewhere to provide a building of interest to Thorpeness and also to pump water to a water tower. Given its height and elevated position, Thorpeness Mill has an expansive setting which includes the dwellings that lie between it and The Meare. As the proportions of the proposed dwellings would be consistent with those of the surrounding area and their use would remain residential, the proposal would have a neutral effect on, and so would preserve the setting of the listed building.
19. The appeal site is within the zone of influence for the Minsmere Walberswick Special Protection Area (SPA); Minsmere-Walberswick Ramsar Site; Minsmere to Walberswick Heath and Marshes Special Area of Conservation (SAC); the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Alde-Ore and Butley Estuaries SAC; the Orfordness-Shingle Street SAC and the Sandlings SPA. These are subject to pressures from recreational disturbance as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy. The appellant has paid a contribution towards mitigation. 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.
20. It is not in dispute that the site lies within a settlement and so would in isolation be an acceptable location for an additional dwelling. There would be acceptable living conditions for future occupiers of the proposed dwellings. There is no evidence before me the dwellings would be more energy efficient than required by the building regulations. Appropriate access and parking provision would be made within the plots. Precautionary working practices for bats could be secured by condition. Provision would be made for bin collection points however it is anticipated these would only be in use on collection days. Appropriate landscaping could be secured by condition.
21. Ecological enhancements could be secured by condition. There would be economic benefits during the construction and occupation stages of the development, and social benefits from the increased support for local services and facilities.
22. The applicants have a personal connection to Thorpeness which I acknowledge. However this would not alter my assessment of the effects of the proposal, nor would be of sufficient weight to justify my reaching a different conclusion. There are representations from interested parties both in support and objecting to the proposal. I have assessed the proposal on the basis of what has been applied for. Pre-application advice is not binding. I have had regard to the planning issues

raised in those comments in assessing the proposed development, irrespective of who submitted the comments.

### **Conclusion**

23. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations 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