
Appeal Decision

Site visit made on 26 August 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/W3520/W/25/3366541

37 Chilton Avenue, Stowmarket, Suffolk IP14 1LB

- 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 Judith Hull against the decision of Mid Suffolk District Council.
 - The application Ref is DC/25/00354.
 - The development proposed is described as: Partition of existing dwellings rear garden to form an additional two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the local area.
 - The effect of the proposed development on the living conditions of the occupiers of 35 and 37 Chilton Avenue with particular reference to sunlight.
 - Whether the proposed development would provide acceptable satisfactory living conditions for future occupiers, with regard to private amenity space.

Reasons

Character and appearance

3. The street scenes of Chilton Avenue and Windermere Road are predominantly semi-detached two storey 1930s style dwellings. The host dwelling of 37 Chilton Avenue (No.37) and the dwelling opposite 38 Chilton Avenue (No.38) are detached though similar in appearance to the predominant architectural style in the locality. It is also noted that on the opposite side of Windermere Road to No.38 is a bungalow with a small dormer in the roof space.
4. The proposed dwelling has a two storey design, with the first floor partially within the roof space and with a single storey carport element to the side of the dwelling. The proposed dwelling would front Windermere Road.
5. While it is noted that this area of Windermere Road and Chilton Avenue is not completely uniform, its character and appearance is heavily defined by the semi-detached 1930s two storey dwellings. The proposal would also not be of similar appearance to either No.37, No.38 or the nearby bungalow. Therefore, the proposal would not preserve the character and appearance of the locality. In addition, the design

of the dwelling would not constitute an enhancement due to its bulky design and the lack of architectural features.

6. I therefore conclude on this issue that the proposal would not preserve or enhance the character and appearance of the local area. On this basis, the proposal does not comply with Policy LP24 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 (Local Plan), which requires development to be of a high quality design that responds to existing character. The National Planning Policy Framework 2024 (Framework) also requires high quality beautiful design, and the proposal does not comply with this.

7. Policies SP09 and LP23 were mentioned in the decision notice. However, from the evidence before me it is not clear why the proposal would not be constructed to minimise its dependence on fossil fuels and why it would not support and contribute to the natural environment.

Living conditions for neighbouring occupants

8. The Council in its appeal statement has acknowledged that there would be limited impacts on the loss of sunlight to 35 Chiltern Avenue (No.35). Given the positioning of the proposal to No.35, this view is agreed with.

9. Given the positioning of the proposed dwelling to No.37, the loss of sunlight would be during the afternoon between the spring to autumn equinox. The loss of sunlight to No.37 would be greater during the winter months. The loss of sunlight to No.37 would be detrimental by virtue of the small rear garden that would remain to No.37 combined with loss of sunlight to specifically the downstairs patio doors of No.37.

10. I therefore conclude on this issue that the proposal would cause detrimental harm to neighbouring occupants. On this basis the proposal does not comply with Policy LP24 of the Local Plan, which seeks to protect neighbouring occupants' health and amenity including from loss of sunlight.

Living conditions for future occupants

11. The proposed dwelling would be situated near No.37, with No.37 currently having a bedroom window that currently overlooks the entirety of the proposed plot. This is not the same arrangement as between No.35 and No.37, as the properties only have indirect views into the neighbouring gardens.

12. The proposed garden, though modest in size, due to its shape would be in shadow for significant proportions of the day and this combined with the overlooking from No.37 would severely limit the ability of future occupants to enjoy this space.

13. I therefore conclude on this issue that the proposal would prevent future occupants having acceptable standard of living. On this basis the proposal does not comply with Policy LP24 of the Local Plan, which seeks to ensure that developments provide appropriate long term privacy and garden space.

Other Matters

14. I have been provided with the appeal decision and relevant plans of a different site in Ipswich. However, from the evidence before me there appears to be significant material differences between these two sites. The design of the existing dwellings on Newbury Road and Britannia Road are of a different architectural style, as is the

proposed Ipswich dwelling. In addition, there is significant more space between 169 and 171 Britannia Road to the proposed dwelling than is proposed under this appeal. On this basis, only limited weight in favour is given to this appeal decision that does not overcome the harm identified above.

Conclusion

15. 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.

A Phillips

INSPECTOR