



Appeal Decision

Site visit made on 9 September 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2025

Appeal Ref: APP/W3520/W/25/3366713

23 Noyes Avenue, Laxfield, Suffolk IP13 8EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Laura Prendergast against the decision of Mid Suffolk District Council.
 - The application Ref DC/25/01218 was approved on 13 May 2025 and planning permission was granted subject to conditions.
 - The development permitted is conversion of garage with first floor extension above and single storey infill extension behind. Extend existing pitched roof porch across front with lean-to roof, change to side window and insertion of bay window to front.
 - The condition in dispute is No 4 which states that: notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2, Part 1, Classes A to E and H of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no enlargement, improvement, insertion of new openings to the dwelling house shall be carried out, - no garage, car port, outbuilding or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.
 - The reason given for the condition is: to enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.
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Decision

1. The appeal is allowed and planning permission Ref DC/25/01218 for conversion of garage with first floor extension above and single storey infill extension behind. Extend existing pitched roof porch across front with lean-to roof, change to side window and insertion of bay window to front at 23 Noyes Avenue, Laxfield, Suffolk IP13 8EB, granted on 13 May 2025 by Mid Suffolk District Council, is varied by deleting condition No 4.

Preliminary Matters

2. The appellant's name differs slightly between the various submission documents. Clarity has been sought from the appellant, and the correct spelling of their name is reflected in the banner heading above.

Background and Main Issues

3. Planning permission was granted for various alterations to the existing dwelling, which included a condition removing permitted development rights relating to the enlargement or improvement of the dwelling, insertion of new openings, and the erection of a garage, car port, outbuilding or structure. The Council considers the condition necessary to protect the character and appearance of the surrounding area, and in the interests of the living conditions of the occupants of 23 Noyes Avenue (No 23) and the neighbouring property at 21 Noyes Avenue (No 21). The

appellant, however, objects to the condition as they consider it fails to relate directly to the development and is unreasonable and unnecessary.

4. The main issues are therefore:

- Whether the condition relates directly to the development;
- Whether the condition is reasonable and necessary in the interests of the character and appearance of the surrounding area; and
- Whether the condition is reasonable and necessary in the interests of the living conditions of the occupants of the host property at No 23 with regard to the amount of outdoor space and the neighbouring property at No 21 with regard to privacy.

Reasons

5. The appeal site is located within a predominantly late 20th century residential housing estate. The properties on this side of Noyes Avenue are mainly detached and benefit from reasonably large plots. The buildings are set back from Noyes Avenue by large front gardens and driveways. Buildings are generally set away from the side boundaries of the plots, with additional space afforded between 23 and 25 Noyes Avenue by the existence of a lane providing access to playing fields to the rear. Extensions, garages, car ports and outbuildings were observed during my site visit to be commonplace in the surrounding area, commensurate with its residential character.
6. Paragraph 55 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so and the Planning Practice Guidance also advises that conditions restricting the future exercise of such rights may not pass the test of reasonableness or necessity.

Relevance to the development

7. The condition revokes domestic permitted development rights of No 23, which is the residential property subject to the permitted extensions and alterations. I therefore conclude that the disputed condition is directly relevant to the permitted development.

Character and appearance

8. Although the approved extension above the existing garage would increase the massing and overall presence of the property within the street scene, the general footprint of the building would remain largely unchanged within the plot, maintaining the existing surrounding space. When viewed from Noyes Avenue, it would remain in keeping with the general arrangement and scale of similar properties within the immediate vicinity.
9. Whilst exact details of what could be permitted under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) are not before me, there is potential for rights that have been removed to permit further modest extensions and alterations. Even if fully exercised, it is unlikely that they would appear overly large or disproportionate in relation to the original size of the dwelling or the plot that it occupies.

10. In conclusion, I find that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the surrounding area.

Living conditions

11. With regards to the effect of any permitted development rights on the living conditions of the occupants of No 23, the extent of useable external space within the plot would remain largely unaltered following the approved works. The exception being the loss of a small amount of space to the front to accommodate the porch arrangement and the small infill extension to the rear. The revoked permitted development rights could allow for the erection or construction of small-scale extensions and outbuildings to the rear of the property. However, the extent of the garden space would allow for such additions without leading to an unacceptable loss of outdoor space.
12. In terms of the effect of the use of any permitted development rights on the living conditions of the occupants of No 21, there are restrictions already in place within the GPDO to mitigate against any potential loss of privacy resulting from the installation of upper-floor windows located in a wall or roof slope forming the side elevation of a dwellinghouse. Despite the approved scheme including the addition of new first floor elements, it would not result in any unacceptable loss of privacy and the GDPO would protect such living conditions in the event of any alterations being made to the building under permitted development rights.
13. For the above reasons, I conclude that the disputed condition is not reasonable or necessary in the interests of the living conditions of the occupants of No 23 with regard to the amount of outdoor space or the living conditions of the occupants of No 21 with regard to privacy.

Other Matters

14. The Council has requested the imposition of a less restrictive condition revoking permitted development rights to ensure the living conditions of the occupants of the neighbouring property and the character and appearance of the area are adequately protected. However, I have found that there are no reasons to restrict any permitted development rights in this instance and in any case the Council has not provided details of how such a condition would be worded.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed, and the original permission varied to delete the disputed condition No 4.

L Fern

INSPECTOR