



Appeal Decision

Site visit made on 18 February 2026

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2026

Appeal Ref: APP/X3540/D/25/3376332

11 Dodson Vale, Kesgrave, Suffolk IP5 2GT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Rob Collingridge against the decision of East Suffolk Council.
 - The application Ref DC/25/2406/VOC, dated 16 June 2025, was refused by notice dated 5 September 2025.
 - The application sought planning permission for construction of a part two storey, part single storey rear extension with loft area converted to office without complying with a condition attached to planning permission Ref DC/24/2156/FUL, dated 9 September 2024.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in all respects strictly in accordance with the following approved plans and documents:
 - Application Form received 13.06.2024
 - Drawing no. PP001A received 06.09.2024.
 - The reason given for the condition is: For avoidance of doubt as to what has been considered and approved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The extensions had been constructed at the time of my site visit, and the appellant seeks the retention with the extensions as built. I have therefore proceeded with this appeal on that basis.

Background and Main Issue

3. The disputed condition specifies that the development must accord with specified drawings. The appellant seeks to substitute the reference to drawing PP001A with drawing PP001B. Instead of 4 roof windows set at approximately 1.8m above finished floor level in the loft office, the drawings show 2 larger roof lights set at a lower level. The parties do not agree on the specific measurement from finished floor level, but both understand it is sought to regularise the roof windows as built, which I was able to observe on site.
4. The main issue is the effect of varying condition 2 on the living conditions of occupiers of 15 Dodson Vale (No 15) and 3 Rayment Drift (No 3), with particular regard to privacy.

Reasons

5. The appeal property is a two-storey dwelling in a residential estate. A public footpath runs along the rear of the appeal site. The adjacent properties at No 3, No 15 and 17 Dodson Vale (No 17) are in close proximity and back on to the side boundaries of the appeal site.
6. Section 5 of the Suffolk Coastal Local Plan Supplementary Planning Guidance 16 House Alterations and Extensions (2003) (SPG) states that some overlooking may be inevitable in urban areas however every effort should be made to avoid overlooking of rear facing living room windows and garden 'sitting out' areas.
7. The rooflights on either side of the two-storey extension face towards Nos 3 and 15. The frames of the rooflights prevent any overlooking of the windows or garden area of No 3 when the rooflight is closed. However, during my visit I could clearly see the first-floor rear windows at No 15 even when the rooflight was closed. With the rooflights open, I could see first-floor rear windows at Nos 3 and 15 and I had a partial view of the ground-floor rear windows of the original rear elevation of No 15. I would also have been able to see people moving around on the patio area outside the rear of No 15. Had the rooflights been installed at their approved height above floor level, the increase would have inhibited such intrusive views towards Nos 3 and 15.
8. The SPG goes on to state that "1st floor windows on extensions to the rear of houses should, ideally, be at least 24 metres from the back of homes directly opposite. Where this separation cannot be achieved overlooking should be avoided by the use of high level windows or opaque glazing. In dense urban areas where there is already excessive mutual overlooking a lesser standard may be acceptable." In this case the rooflights are at the second-floor level and Nos 3 and 15 lie to the side rather than directly opposite the rear elevation. Nevertheless, the effect of a second-floor window allows views downwards from a greater height which would have a greater impact than a first-floor window. Moreover, the rooflights in each case, albeit at an angle, are orientated towards the rear elevations of Nos 3 and 15 respectively. Consequently, the separation distance recommended in the SPG would apply equally to this situation.
9. It is not disputed that the separation between the rooflights and the rear elevations of Nos 3 and 15 would be less than 24 metres. The use of obscure-glazed rooflights would prevent any outlook from the loft office whilst non-opening windows would prevent natural ventilation, to the detriment of the users of the room.
10. The appeal property is in a dense urban area with a degree of mutual overlooking. The window in bedroom four provides views of the rear garden of the appeal property as well as areas of the rear gardens of Nos 15 and 17 which are furthest from those dwellings. Increased views of the rear of No 15 and the gardens of Nos 3 and 15 are possible by leaning out of the windows and facing ninety degrees to the side, however this would be an extravagant and deliberate manoeuvre which would not usually form part of the routine use of the rooms. Views of the rear and garden of No 15 are possible from the back door and side path of the appeal property, however these are restricted to a degree by the boundary fence and, furthermore, the side path is not part of the primary area of the garden of the appeal site where people are likely to spend more time. Views of No 3 from the

front and rear gardens of the appeal site are significantly restricted by the existing boundary treatment and vegetation. As such, the layout and orientation of the dwellings ensures that the mutual overlooking is not excessive, and as such a lower separation distance between the rooflights and the rear of Nos 3 and 15 would not be justified.

11. The new side-facing first-floor bathroom window also faces directly towards the rear of No 15, and when open does provide views of the rear windows and garden at No 15. However, the SPG confirms a bathroom is a non-habitable room, unlike the loft office. Moreover, an open window would reduce the privacy of users of the bathroom. Furthermore, the window is obscure-glazed which would prevent any overlooking of No 15 when the window is closed. I also note that the submitted elevation drawings appear to show that only the upper part of the bathroom window is openable, whilst the window which has been installed appears to open from the bottom.
12. For these reasons, the rooflights as constructed do not comply with the guidance in the SPG and cause a significant loss of privacy to the occupiers of Nos 3 and 15. Amending condition 2 of the original planning permission would therefore cause harm to the living conditions of the occupiers of Nos 3 and 15 through an unacceptable loss of privacy and, consequently, would conflict with Policy SCLP11.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020). This policy requires development to not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity, including with regard to privacy and overlooking.

Other Matters

13. The rooflights have been installed in conjunction with solar panels in order to improve the sustainability of the appeal property. I understand that it may be difficult and costly for the appellant to source smaller rooflights or reposition the current rooflights, however this would not justify the harm identified above.
14. Although fewer rooflights have been installed than were approved, the effect of this on the visual impact of the development has been countered by the installation of the solar panels. I also note that Kesgrave Town Council have not objected to the scheme. However, these are neutral matters which do not weigh in support or against the development.
15. The extension and fence at No 15 fall outside the scope of this appeal. Nevertheless, their presence does not justify the appeal scheme.

Conclusion

16. I conclude that the appeal should therefore be dismissed.

D Ellis

INSPECTOR