

Appendix A

The following appeal decisions have been received. The full reports are available on the Council's website using the unique application reference.

Planning Appeals relating to 'Majors'

There were not appeal decisions relating to Major Planning Applications during this period.

Planning Appeals relating to 'Minors'

Application number	DC/21/5042/FUL
Appeal number	APP/X3540/W/22/3296680
Site	Land West of Highfields, Davey Lane, Charsfield
Description of development	Three bedroom one and a half storey residential dwelling with separate garage.
Committee delegated	Delegated
Appeal decision date	29 September 2022
Appeal decision	Allowed
Main issues	The suitability of the location for the proposed dwelling, with particular regard to development plan policies concerning housing in the countryside
Summary of decision	<p>Policy SCLP5.4 (Housing in clusters in the countryside) indicates that a 'cluster' consists of a continuous line or close group of existing dwellings adjacent to an existing highway; and contains 5 or more dwellings.</p> <p>The supporting text to Policy SCLP5.4 indicates that a close group is one where dwellings are considered to be adjacent each other and not separated by extensive areas, such as by fields or open land.</p> <p>The appeal site sits within a continuous line of only 4 dwellings. Beyond this is a large gap of garden land in built development with Ivy Cottage and two other dwellings beyond this to the junction of Davey Lane with Monewden Road.</p> <p>While the Inspector accepted that the gap of garden land is relatively large in comparison with the plot sizes of the dwellings to either side, the gap is not a field and does not represent an extensive area of land.</p> <p>The Inspector also acknowledged the linear pattern of development along Davey Lane, but nonetheless found that the dwellings comprise a 'close group' in the terms of Policy SCLP5.4.</p>

	<p>An unimplemented extant outline permission for two dwellings within the aforementioned gap was also acknowledged, with their completion resulting in the appeal site becoming part of a continuous line of at least 5 dwellings.</p> <p>The Inspector found no basis to find that the extant permission would not be implemented and thus concluded that the proposal would not be contrary to the other criteria in Policy SCLP5.4 because it would be located adjacent to existing development on two sides, would not represent an extension of the built-up area into the countryside and would not result in harmful visual intrusion in this location.</p> <p>While it was acknowledged that there is a policy conflict with Policy SCLP5.4 insofar as the appeal site is not currently part of a continuous line of at least 5 existing dwellings, it was however found that the surrounding dwellings formed a self-contained group and that the extant permission for two dwellings would result in the requisite number of dwellings in a continuous line.</p> <p>It was otherwise concluded that no material harm would result from the appeal proposal.</p>
Learning point / actions	<p>Garden spaces forming large gaps between dwellings do not represent extensive areas (i.e. fields and open land) when considered within the context of the policy SCLP5.4.</p> <p>Unless there is a clear indication of non-delivery, unimplemented extant consents for new dwellings within existing gaps hold material weight when considering the policy tests of SCLP5.4 with regard to what constitutes a 'continuous line' or 'close group' of 5 or more dwellings.</p>

Application number	DC/21/3570/FUL
Appeal number	APP/X3540/W/21/3286196
Site	9 Glebe Close, Lowestoft NR32 4NU
Description of development	Construction of two detached single storey dwellings and all associated works.
Committee delegated /	Delegated
Appeal decision date	26 October 2022
Appeal decision	Dismissed
Main issues	The effect of the proposed development on the character and appearance of the area, the amenity of neighbouring residents and the poor amenity provided to future residents. In addition,

	the effect of the proposed development on the integrity of a European Site due to lack of RAMS payment.
Summary of decision	<p>The inspector concluded that the proposal would have no harmful effect on the character and appearance of the area, given that the area is not characteristically open, and views of the development would be limited. Furthermore, they did not consider that the level of traffic from two dwellings would be detrimental to the amenity of residents, and that the proximity of the boundary to opening in the proposed dwelling would not be harmful to their outlook given the proposed small-scale nature of the boundary treatments.</p> <p>Despite the applicant paying the RAMS payment during the appeal, and officers setting this out within their appeal statement, the inspector failed to follow the councils approach concluding that “in the absence of a sufficiently robust mechanism to satisfactorily show whether, and exactly how and when, the monies paid by the appellant will be spent, such as a planning obligation in this case, I cannot be satisfied that the harm that would arise from the appeal scheme will be mitigated appropriately”</p>
Learning point / actions	To make inspectors more aware of the Local Planning Authority’s approach to considering and concluding the impact on European Protected Sites.

Application number	DC/19/0982/VOC
Appeal number	APP/X3540/W/22/3291513
Site	The Waterfront Cafe, The Granary, Tide Mill Way, Woodbridge, Suffolk IP12 1BY
Description of development	Variation of condition 7 of C/99/0882 to extend the opening hours.
Committee delegated /	Delegated
Appeal decision date	22 September 2022
Appeal decision	Dismissed
Main issues	<p>The condition over which there is disagreement relates to the use of part of the ground floor of The Granary as a tearoom. The appellant sought to vary condition No. 7. The application sought to vary the opening hours permitted under C/99/0882 to allow opening hours of 08:00-24:00 everyday.</p> <p>However, the appellants appeal statement clarifies that revised opening hours are sought on the basis of a revised condition which would read <i>‘The premises shall not be open to the public</i></p>

	<p><i>other than between the hours of 9.30am and 10pm (or 8pm) and all members of the public shall have vacated the premises by 10.15pm (or 8.15pm)'. The Inspector considered all options.</i></p> <p>A further application was made to that above, Ref C/00/0633 which permitted extended opening hours at the unit, allowing for opening hours of 09:30-18:30 Monday to Friday and 10:00-17:30 on Sundays and Bank Holidays. There appears therefore to be a permission in place which permits extended opening hours above the original hours.</p> <p>The main issue therefore is whether the condition with its current restrictions is reasonable and necessary in the interests of the living conditions of the occupiers of dwellings located within The Granary, having particular regard to noise and disturbance.</p>
Summary of decision	<p>The Inspector's conclusion is not dissimilar to the previous appeal decision for the site.</p> <p>Whilst the Inspector notes that there have been changes within the surrounding environment, such as businesses at Whisstocks Boatyard and the open space behind the Chandlery, there is unlikely to be any significant overspill of activity or movement of people past the front of The Granary, as the access past the front of the building amongst other things primarily serves a private marina located to the east. Further, it is likely that given the age of the buildings in and around Whisstocks Boatyard, modern and purpose constructed soundproofing could exist between the commercial and residential elements; no details of soundproofing were provided for the grade II listed Granary.</p> <p>The unit within which the tearoom is located is reasonably small, does not have high ceilings and has limited window openings. It is likely that during summer months the doors would be largely open, or at least regularly opened and shut. Residential occupiers of the Granary could therefore suffer harm to their living conditions as a result of noise from the internal area of the café and as a result of customers using the outside area as well as a result of comings and goings.</p> <p>Extending the opening hours into the evening, even until 8pm, would coincide with times when residents within the Granary could reasonably be expecting to settle in for the evening and have quiet enjoyment of their homes. Equally, residents could expect to be able to enjoy the same on Sunday mornings or bank holidays prior to the current permitted opening times.</p>

	The Inspector concluded that given the close proximity of existing properties within The Granary to the appeal unit, the condition is necessary in the interests of the living conditions of the occupiers of adjoining properties.
Learning point / actions	The inspector concurred with the Local Planning Authority's assessment that the scheme was contrary to policy SCLP11.2 in that the extended opening hours adversely impact the living conditions of the occupiers of adjoining properties.

Application number	DC/21/1064/FUL
Appeal number	APP/X3540/W/21/3281525
Site	Mariawood, Hulver Street, Henstead NR34 7UE
Description of development	Full planning application for the conversion of a rural building to residential with associated landscaping and parking.
Committee delegated	Delegated
Appeal decision date	21/10/2022
Appeal decision	Dismissed
Main issues	The main issue is whether the appeal site is a suitable location for the proposed development with regard to the Council's strategy for the location of residential development
Summary of decision	The proposed development would conflict with the Council's strategy for the location of residential development in the countryside. As such, it would conflict with the development plan taken as a whole.
Learning point / actions	This decision confirms the Local Planning Authority's approach to the application of the relevant policies for such proposals. There are no significant learning points.

Planning Appeals relating to 'Others' (including householders)

Application number	DC/21/0127/FUL
Appeal number	APP/X3540/D/22/3296713
Site	Aldston, Mill Hill, Aldringham Cum Thorpe IP16 4PZ
Description of development	The development proposed is front and first floor extension of existing chalet bungalow.
Committee delegated	Delegated
Appeal decision date	27/9/2022

Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposed extensions on the character and appearance of the host dwelling and the street scene.
Summary of decision	The proposed works would have an unacceptable level of harm to the character of the area and the relationship with the other adjacent properties within the streetscene, thus the application would be in non-compliance with SCLP11.1 (Design) and the wider National Planning Policy Framework (NPPF).
Learning point / actions	Promoting good design and being respectful of the existing character and the existing pattern of the development is important and carries great weight.

Application number	DC/21/5448/FUL
Appeal number	APP/X3540/D/22/3296270
Site	Greenbanks, 30 Ipswich Road, Orford IP12 2LT
Description of development	Retention of 1.8 metre weatherboard fence along the front and part side of property. Purpose of which is to replace pre-existing hedging which was in poor state and caused obstruction to pathway. New fence erected to provide privacy to property and conceal unsightly gas tank from road vision.
Committee delegated /	Delegated
Appeal decision date	14/09/2022
Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposal on the character and appearance of the area.
Summary of decision	<p>The Inspector concluded that the proposal has a significant adverse effect on the character and appearance of the area and the harm that it causes to the scenic beauty of the AONB further weighs against it.</p> <p>The Inspector also concluded that there is no indication that a decision should be made other than in accordance with the development plan.</p>
Learning point / actions	The inspector concurred with the LPA's assessment that the scheme was contrary to policy SCLP11.1 and highlighted the impact of the proposal on the scenic beauty of the AONB as an important consideration.

Application number	DC/21/5483/VOC
Appeal number	APP/X3540/D/22/3295442
Site	Alde Cottage, 30 Sandy Lane, Iken IP12 2HE
Description of development	Variation of Condition No 2 of DC/21/2480/FUL - Additions of living room, bedroom and porches to single dwelling - The applicant wishes to raise the ridge line of the bedroom extension by 400mm and introduce a roof light
Committee delegated /	Delegated
Appeal decision date	6 October 2022
Appeal decision	Allowed
Main issues	The main considerations related to the impacts of the alterations and additions upon the character and appearance of the area.
Summary of decision	<p>The Inspector acknowledges that the existing property is attractive, with varying wings set beneath traditional thatched roofs, and that whilst there are other dwellings strung out along Sandy Lane, the setting has a quiet and rural character, within the AONB.</p> <p>The Inspector acknowledges the increase in ridge/eaves height would increase the prominence of the extension but concludes the impact would be only likely felt from within the garden of the dwelling itself, and that given the extensive gardens and the screening adjacent to Sandy Lane, along with its position in relation to the existing dwelling, it would therefore be difficult to discern the difference from nearby public vantage points.</p> <p>The Inspector also states that the height would not be without precedence on the site, given that the ridge line of the northern wing of the property is set at a greater height than that proposed here.</p> <p>The Inspector also concluded the rooflight features would be acceptable, forming a small feature on a rather extensive dwelling and its visual appearance is largely a subjective matter. Its inclusion would not result in any harm of any significance to the character and appearance of the dwelling nor the existing area bearing in mind the limited relationship to other surrounding land.</p>
Learning point / actions	This was an on-balance decision by the Local Planning Authority, on a matter that was quite subjective, therefore there aren't any significant learning points.

Appeals relating to Part 3 Prior Notifications

There were no appeal decisions relating to Part 3 Prior Notifications during this period

Enforcement Decisions

There were no enforcement decisions during this period.

Costs Decisions

There were no costs decisions during this period.