

PLANNING COMMITTEE

Thursday 21 February 2019

APPEALS TO THE MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT (PC 04/19)

Report of the Head of Planning and Coastal Management

EXECUTIVE SUMMARY

1. To provide information on appeals decided and received.

Wards Affected:	All
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Philip Ridley
Head of Planning and Coastal Management

BACKGROUND PAPERS:

None, other than published works.

For further information, please contact Mr Philip Ridley, Head of Planning and Coastal Management, on (01394) 444432

Planning Appeals Received
between 05/01/2019 to 04/02/2019

APPEAL REF: APP/005/2019

START DATE: 9th January 2019

ADDRESS

Land Between 73 And 101

Bucklesham Road

Kirton

IP10 0PF

DESCRIPTION

Erection of 10 new dwellings and creation of new vehicular access and internal service road.

APPEAL REF: APP/006/2019

START DATE: 11th January 2019

ADDRESS

Rivendell

Church Road

Mutford

Beccles

Suffolk

NR34 7UZ

DESCRIPTION

Demolish existing double garage and remove outbuilding to allow erection of No. 1 Self Build Chalet Bungalow/one half storey house and detached garage.

APPEAL REF: APP/007/2019

START DATE: 21st January 2019

ADDRESS

189 Raglan Street

Lowestoft

Suffolk

NR32 2JX

DESCRIPTION

Change of use to small HMO

APPEAL REF: APP/008/2019

START DATE: 21st January 2019

ADDRESS

36 Tennyson Road

Lowestoft

Suffolk

NR32 1PS

DESCRIPTION

Change of use to small HMO

APPEAL REF: APP/010/2019
START DATE: 22nd January 2019
ADDRESS
Os 2158
Snipe Farm Road
Clopton
Suffolk

DESCRIPTION

Erection of 1-3 residential dwellings on site identified within red line boundary on the site location plan.

APPEAL REF: APP/009/2019
START DATE: 23rd January 2019
ADDRESS
Gavelcroft
Bungay Road
Holton
Halesworth
Suffolk
IP19 8LY

DESCRIPTION

Outline Application (All Matters Reserved) - Construction of a detached dwelling

APPEAL REF: APP/011/2019
START DATE: 24th January 2019
ADDRESS
Plot Off
Grand Avenue
Lowestoft
Suffolk
DESCRIPTION
Construction of dwelling
DECISION: Appeal Withdrawn
DECISION DATE: 28th January 2019

APPEAL REF: APP/012/2019
START DATE: 24th January 2019
ADDRESS
The Old Post Office
Hill Farm Road
Playford
Ipswich
Suffolk
IP6 9DU

DESCRIPTION

Remove existing boundary post and rail fence to the north and replace with new garden wall at 1.85m high. To be constructed sympathetically to the character of the village.

APPEAL REF: APP/013/2019
START DATE: 24th January 2019

ADDRESS

69 Beccles Road

Bungay

Suffolk

DESCRIPTION

Outline Application (Some Matters Reserved) - Construction of one dwelling

APPEAL REF: APP/014/2019
START DATE: 29th January 2019

ADDRESS

3 White Point

Eversley Road

Southwold

Suffolk

IP18 6AW

DESCRIPTION

Construction of glazed pavilion to roof terrace

APPEAL REF: APP/016/2019
START DATE: 31st January 2019

ADDRESS

Briarwood

School Lane

Ufford

Suffolk

IP13 6DX

DESCRIPTION

Outline Application - Development of a one and a half storey 4 bedroom dwelling, with accommodation at roof level.

APPEAL REF: APP/017/2019
START DATE: 31st January 2019

ADDRESS

Grove Cottage

Boulge Road

Hasketon

IP13 6LA

DESCRIPTION

Continued use of former agricultural land as garden associated with Grove Cottage and erection of single-storey extension to garage to form hobbies/garden room

APPEAL REF: APP/018/2019
START DATE: 31st January 2019

ADDRESS

Norwood House
Littlemoor Road
Middleton
Suffolk
IP17 3JZ

DESCRIPTION

Approval of Reserved Matters of Outline Application DC/16/3947/OUT - Erection of 14 sheltered/extra care dwellings, together with residents lounge/meeting room and parking area. - Appearance and landscaping. In addition, this application seeks to discharge conditions: 7 (external materials); 10 (discharge of surface water onto highway); 11 (ecological enhancement scheme); and 14 (construction method statement). The original application was NOT an EIA application.

Planning Appeals Decided
between 05/01/2019 to 04/02/2019

APPEAL REF: APP/046/2018
START DATE: 2nd August 2018

ADDRESS

Part Garden Of
11 Birch Grove
Martlesham Heath
Martlesham
Ipswich
Suffolk
IP5 3TD

DESCRIPTION

Proposed Detached Two-Storey Dwelling

DECISION: Appeal Dismissed

DECISION DATE: 10th January 2019

APPEAL REF: APP/049/2018
START DATE: 8th August 2018

ADDRESS

11 Birch Grove
Martlesham Heath
Martlesham
Suffolk
IP5 3TD

DESCRIPTION

Construction of a detached two-storey dwelling and detached garage - revised scheme

DECISION: Appeal Dismissed

DECISION DATE: 10th January 2019

APPEAL REF: APP/066/2018
START DATE: 15th October 2018
ADDRESS

The Manor House
The Manor House Estate
Bawdsey
Suffolk
IP12 3AL

DESCRIPTION

New build single dwelling with associated parking, as a replacement for the original farmhouse which was destroyed by fire.

DECISION: Allowed without conditions

DECISION DATE: 30th January 2019

APPEAL REF: APP/011/2019
START DATE: 24th January 2019

ADDRESS

Plot Off
Grand Avenue
Lowestoft
Suffolk

DESCRIPTION

Construction of dwelling

DECISION: Appeal Withdrawn

DECISION DATE: 28th January 2019

Recommendation:

That the Planning Committee notes the contents of the report.

Appeal Decisions

Site visit made on 22 November 2018

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2019

Appeal A Ref: APP/J3530/W/18/3206243

11 Birch Grove, Martlesham Heath, Ipswich, Suffolk IP5 3TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Ms S & S Burke & Coates against the decision of Suffolk Coastal District Council.
 - The application Ref DC/17/3143/FUL, dated 19 July 2017, was refused by notice dated 1 February 2018.
 - The development proposed is a detached two-storey dwelling and integral garage.
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Appeal B Ref: APP/J3530/W/18/3206684

11 Birch Grove, Martlesham Heath, Ipswich, Suffolk IP5 3TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Ms S & S Burke & Coates against the decision of Suffolk Coastal District Council.
 - The application Ref DC/18/1134/FUL, dated 14 March 2018, was refused by notice dated 25 April 2018.
 - The development proposed is a detached two-storey dwelling and detached garage revised scheme.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. For ease of reference I refer to the different cases as Appeal A and Appeal B in this decision letter as set out in the headers. I have dealt with each appeal on its own individual merits but to avoid duplication, I have considered the appeals together in this document. Although there are two appeals, I have used singular terms in places for the ease of reading.
4. Since the appeal was lodged the Martlesham Neighbourhood Plan (MNP) was made in July 2018 and now forms part of the development plan. The revised National Planning Policy Framework (the Framework) was also published and came into force on 24 July 2018.

Main Issues

5. The main issues are the effect of the development on;
 - The character and appearance of the area; and

- The living conditions of adjoining occupiers with particular regard to outlook and overlooking to 9, 11 and 12 Birch Grove.

Reasons

Character and Appearance

6. The appeal site lies within a small development of dwellings that are arranged in a linear manner facing onto Birch Grove. The appeal site itself contains a detached dwelling that is sited in the northern part of its garden area with an existing access which allows vehicles to enter and exit the site. The area contains a variety in size and style of buildings which comprise mainly large detached dwellings. The site lies within Martlesham Heath and is surrounded to the north by a wooded area that has footpaths over it. The area has a pleasant suburban quality that is reinforced by the presence of mature landscaping interspersed by the dwellings that are generally set within generous plots which gives the area a spacious and open character.
7. The proposal seeks to erect a detached two storey dwelling that would be sited to the south of the existing dwelling. The design of the dwelling for each appeal is similar. However, for appeal B, the distance of the proposed dwelling from the side elevation of the existing dwelling has been increased from 4.56m to 6.45m and proposes a detached garage that would be sited to the front of the proposed dwelling.
8. Although the appeal site benefits from a large garden area, this is mostly located to the south and rear of the existing dwelling. Notwithstanding the separation distances, the site area for each development remains similar for both appeals. The siting of the proposed dwelling would be between the existing dwelling and its southern boundary which adjoins a footpath to the wooded area to the rear of the site. The development would occupy the majority of the land to the south of the existing dwelling, resulting in a contrived and cramped form of development that would be at odds with the prevailing spacious and open character of Birch Grove. Moreover, the development would fail to integrate successfully with the spacious character of the area by reducing the amount of space around the existing dwelling resulting in a very large building served by an uncharacteristically small amount of open space. This would further erode the sense of openness that the site currently provides.
9. Furthermore, although the appeal site lies at the head of a cul-de-sac, the harm that I have identified would be visible from surrounding properties and from the footpath that allows access to the wooded area to the rear. In addition, notwithstanding the existence of the hedge along the footpath on the southern boundary, given the scale of the proposed dwelling and positioning close to the boundary it would reduce the sense of openness that would be experienced when passing the site via the footpath and when viewing the site from the wooded area to the rear of the site. This adds to the harm that the development would have on the character and appearance of the area that I have identified above.
10. Thus, on the first main issue I find that the development would result in material harm to the character and appearance of the area. It would be in conflict with Policies SP15, DM7 and DM23 of the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies DPD 2013 (Local

Plan) and Policy MAR3 of the MNP which seek, amongst other things, to ensure that a development proposal is in keeping with the character of the individual hamlet, would not result in a cramped form of development that would be out of character with the area and street scene or the openness of an area and provides a reasonably sized curtilage for the existing buildings.

Living conditions

11. The Council argue that the development would have an unacceptable impact on the occupiers of 9 Birch Grove as a result of overlooking that would occur between the properties. However, given the separation distance that exists between the properties and that the development proposes an obscurely glazed window on its first floor southern elevation which would serve a bathroom, I do not consider that significant levels of direct overlooking, or indeed the perception of overlooking would occur. Moreover, this particular window could be conditioned to ensure that it remains shut at all times and a mechanical ventilation system used for the bathroom. Furthermore, given the separation distance and intervening landscaping that would remain between the two properties, the outlook currently afford to No. 9 is unlikely to be significantly diminished by the erection of the proposed dwelling. This would be the same for the occupiers of No. 12 which is at a further distance from the proposed dwelling.
12. Turning to the impact on 11 Birch Close, the Council raise the issue of the patio doors on the southern elevation that would be overlooked as the result of the development. However, the appellant has agreed to seal up these windows to remove any overlooking between properties. Therefore, had I found the development to be acceptable in all other respects, I see no reason why this particular element could not be secured by a suitably worded condition.
13. Thus, on the second main issue, the living conditions of adjoining occupiers would not be harmed as a result of the development. It would not be in conflict with Policy DM23 of the Local Plan which seeks, amongst other things, to ensure that a development does not result in an unacceptable loss of amenity to adjoining occupiers.

Other Matters

14. I note that 1 Birch Grove has a smaller site area than other properties along the road and that 6 and 12 Birch Close are within plots that have a reduced depth. However, both 6 and 12 Birch Close are set back from the road and do not appear cramped or constrained within their site. With regard to No. 1, while this has a comparable site area, the dwelling does not share similar characteristics to the appeal site in that it lies on a corner plot and has a greater degree of separation to its neighbouring property than the appeal proposal would have. Moreover, each application should be considered on its own merits and the existence of development elsewhere does not justify the harm that I have identified above.
15. I acknowledge that the principle of a dwelling on the site is acceptable and that the development was supported by Officers. I also accept that the design of the dwelling is acceptable and that suitable materials could be employed. The development would also provide adequate levels of parking and no other technical objections to the development were received. However, neither this

nor any other material consideration that has been advanced outweighs the harm that I have identified.

16. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

17. I have found that the living conditions of adjoining occupiers would not be harmed as a result of the development. However, I have found that the proposal would result in harm to the character and appearance of the area. For these reasons, and having regard to the development plan when read as a whole, the appeals are dismissed.

Graham Wyatt

INSPECTOR

Appeal Decision

Site visit made on 23 January 2019

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2019

Appeal Ref: APP/J3530/W/18/3197825

The Manor House, The Manor House Estate, Bawdsey, Suffolk, IP12 3AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Tristram Mylius against the decision of Suffolk Coastal District Council.
 - The application Ref DC/17/2954/FUL, dated 10 July 2017, was approved on 14 September 2017 and planning permission was granted subject to conditions.
 - The development permitted is described on the Decision Notice as "New build single dwelling with associated parking, as a replacement for the original farmhouse which was destroyed by fire."
 - The condition in dispute is No 3 which states that: Notwithstanding the details shown on the approved plans a red brick shall be used, the precise details of which shall first be submitted to and approved in writing by the local planning authority, prior to works commencing. Only the approved details shall be implemented.
 - The reason given for the condition is: To ensure the satisfactory appearance of the development in the interests of visual amenity.
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Decision

1. The appeal is allowed and the planning permission Ref DC/17/2954/FUL, dated 10 July 2017, for a new build single dwelling with associated parking, as a replacement for the original farmhouse which was destroyed by fire at The Manor House, The Manor House Estate, Bawdsey, Suffolk, IP12 3AL granted on 14 September 2017 by Suffolk Coastal District Council, is varied by deleting condition 3 and substituting it for the following condition:
 - 3) Notwithstanding the details shown on the approved plans, the ground floor and chimney of the development hereby permitted shall be constructed using one of the following materials: (a) red brick; or (b) flint. No development shall take place above slab level until the precise details of the chosen material have been submitted to and approved in writing by the local planning authority. The relevant works shall thereafter be carried out in accordance with the approved details.

Main issue

2. The appellant does not consider the condition to be reasonable and seeks the approval of an alternative grey brick ('the grey brick'). Accordingly, the main issue is the impact of the development, utilising the grey brick, on the character and appearance of the area and Suffolk Coast and Heaths Area of Outstanding Natural Beauty (the 'AONB').

Reasons

3. The appeal site consists of an irregular shaped piece of land to the north of a group of former farm buildings and modern dwellings used as holiday accommodation. It lies within open countryside designated as an AONB on the outskirts of the village of Bawdsey.
4. The existing farm buildings and modern dwellings used as holiday accommodation have been designed to a high standard and are constructed of red-brick with dark weatherboarding to the first floor and pantiles to the roof. This palette of materials is locally distinctive to the area and helps establish a strong sense of place.
5. Although respect for context does not require pastiche solutions, it does require an integrity of design of spaces and buildings with a clear sense of place. Although the grey brick is not unattractive in itself, it would not help reinforce the existing sense of place established by the significant use of red brick on the holiday accommodation buildings or the flint constructed boundary wall. Furthermore, it has no historical association with the wider area and would, to my mind, result in a building of arbitrary character that looks as if it could belong to anywhere.
6. I recognise that the grey brick would be similar in colour to the flint boundary wall, but in terms of shape and texture, it would appear completely different and represent a poor copy of this. I also acknowledge that the appellant has sought to differentiate the new dwelling from others in the group given its location where the original farmhouse stood, but the only appropriate alternative material that I would consider to be acceptable in this instance would be flint, given its use on the boundary wall.
7. Whilst I recognise that the development would not be easily seen from the public realm on the B1083 because of intervening distance, existing landscaping and undulating ground levels, this does not negate the need for it to be of a high quality design that respects the local context and landscape character of the AONB. In any event, I do not consider limited visibility to be a sound basis upon which to justify an otherwise harmful scheme as this could be repeated too easily and often for all forms of poor quality development.
8. The appellant states that an approved red-brick could be painted in the future without planning permission and that this helps justify the use of the grey brick. However, I have no substantive evidence to indicate that this would occur, but even if it did, it would not be as harmful as the grey brick as there are many examples of this type of finish in the wider area.
9. The appellant has referred to the example of another farmhouse, High House, at the other end of the village, which was constructed in a buff-coloured brick (which the Council refers to as a traditional Suffolk White). However, the characteristics of each site are different and this house is not comparable in terms of position, scale, design or character to the appeal scheme. In any event, I must consider the appeal on its own merits.
10. In view of the above, I conclude that the use of the grey brick on the development would be harmful to the character and appearance of the area and AONB. The proposal would therefore conflict with Policies SP15 and DM21

of the Local Plan¹, which collectively seek, amongst other things, to ensure that new development is of a high quality design that relates well to the character of its surroundings, establishes a strong sense of place and protects the AONB landscape character.

11. In reaching my decision, I have given great weight to conserving the landscape and scenic beauty of the AONB. As a consequence, I conclude that the grey brick proposal would not comply with Paragraph 172 of the Framework².
12. I also find that the grey brick proposal would conflict with Paragraphs 124, 127, 130 and of the Framework, which collectively seek, amongst other things; (a) high quality design; (b) development that is sympathetic to local character and history, including the surrounding built environment and landscape setting; (c) development which maintains a strong sense of place using appropriate materials; and (d) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

Conditions

13. I am however satisfied that the use of flint as an alternative material to red-brick would be acceptable for the reasons stated above and that Condition 3 is not reasonable in its current form. I have as a consequence deleted this condition and replaced it with a new one to enable flint to be used as an alternative material and am satisfied that this will ensure that the scheme retains its locally distinctive and high-quality character.

Conclusion

14. For the reasons above, I conclude that the appeal should succeed and that the planning permission should be varied as set out in the formal decision.

Robert Fallon

INSPECTOR

¹ Suffolk Coastal District Local Plan, Core Strategy & Development Management Policies, Development Plan Document, July 2013, Suffolk Coastal District Local Plan.

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, July 2018.