



Committee Report

Planning Committee North – 13 February 2024

Application no DC/23/2454/FUL

Location

Doreens Cottage
3 Bridge Road
Reydon
Southwold
Suffolk
IP18 6RR

Expiry date 13 October 2023

Application type Full Application

Applicant Mr & Mrs Brian Reynolds

Parish Reydon

Proposal Retrospective Application - Single storey side and rear flat roofed extension.
Rear first floor pitched roof extension

Case Officer Jamie Behling
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1. Summary

- 1.1. The proposed development seeks permission to retain the ground floor side extension and first-floor extension as built.
- 1.2. Planning permission was granted in 2021 under ref. DC/21/4038/FUL for a side and first-floor extension at the property. However, it was found, during the construction process, that the first-floor extension was projecting out further beyond the neighbour's existing extension, and that the original plans had not been accurate in showing where the neighbour's extension was (relative to the proposed development). It was therefore concluded that the development undertaken was not in accordance with a planning permission. The owner consequently has submitted this new householder planning application to retrospectively gain permission for the development as built. This application includes plans that accurately show both the proposed development; and the extent of neighbouring properties.

- 1.3. The application has been referred direct to the Planning Committee (North) by the Head of Planning and Coastal Management. This is because the application has received objections from the Ward Member, Parish Council and Neighbouring residents; the application is also made retrospectively seeking permission for development that has been carried out without compliance with a previous planning permission granted. The impact of the as-built development on the living conditions (amenity) of adjacent properties in this case warrants debate by the Planning Committee and, following consideration by Planning Committee North in January 2024, it was agreed for Members to carry out a site visit.

2. Site Description

- 2.1. Doreens Cottage is an end terraced, two-storey, residential dwelling located within the settlement boundary of Reydon. It lies on the east side of Bridge Road with an attached neighbour to the north. The site lies within the National Landscape (formerly known as AONB) but not within a Conservation Area. The site also falls within the Reydon Neighbourhood Plan Area. The site is located within flood zones 2 and 3. The rear garden of the site is enclosed by No. 8 Long Marsh to the South; and the garden of No. 2 Bridge Road which wraps around it to the north.
- 2.2. There was an existing ground floor, flat roofed extension on the rear of the building which has no planning history but has been there a significant amount of time without complaint or enforcement action that it is now lawful.
- 2.3. Planning permission was originally granted for a first-floor extension under ref. DC/21/4038/FUL. The Parish Council objected to this application due to the extension projecting out 0.6 metres beyond the rear gable of No.2. After approval, and during construction, it became apparent that the new first floor gable of the application property projected out further than what had been shown on the plans and an enforcement case was raised (ref ENF/22/0386/COND). Upon inspection, the original drawings had shown the neighbour's gabled element as being approximately one metre deeper than it actually is. The applicant made an application seeking a variation of condition (on the original permission) in order to revise the plans; however, it was advised that, as the original plans were not accurate, that such a VOC approval would be flawed; and therefore, it would be better to submit a fresh householder application to regularise the situation.
- 2.4. During this application process it was highlighted by the neighbour that the plans were still inaccurate and that the passageway along the side of the house was narrower than that shown. Upon inspection, by officers, it was confirmed that this was the case - and that the passageway should be shown as the correct width. The agent promptly remedied this. Officers now consider that all dimensions are correctly shown on the plans and that the application can be determined with that comfort that the plans are accurate.

3. Proposal

- 3.1. The proposal seeks to retain the small side ground floor side extension and first-floor extension which was originally built under ref. DC/21/4038/FUL. The details of this application were questioned upon construction, and it was therefore pertinent to regularise extension by submitting a revised planning application retrospectively – as explained above.

4. Consultees

| Consultee | Date consulted | Date reply received |
|---|------------------|---------------------|
| Reydon Parish Council | 6 September 2023 | 22 September 2023 |
| <p><i>"The Parish Council objects to this retrospective application on the grounds of overbearing development and negative impact on the neighbouring property at No. 2 Bridge Road, resulting in loss of light, amenity and privacy. The submitted drawings on which the original application was approved (DC/21/4038/FUL) show the first floor extension projecting beyond the building line of No. 2 by 0.593m. The case officer's report treated this as a material consideration in that it mitigated the adverse impact of the projection beyond the building line. The Parish Council's objection to the original application because of the deviation from the building line was judged not to be sufficient justification for refusal. However, the extension as constructed, where the applicant is now applying for retrospective permission, has the first floor projecting some 1.5m beyond the building line of No. 2. This is not what was permitted and is completely unacceptable overdevelopment. The subsequent application for VOC DC/22/4409/VOC, now withdrawn accepted that the submitted drawings were wrong and that this key measurement, on which officers relied in using delegated powers to approve the application, is incorrect. Furthermore, there is another material error in the drawings submitted with this application. The alleyway between Nos 3 and 2 is incorrectly shown as straight whereas it bends significantly. This brings the first floor extension of No 3 much closer than shown to No 2 (it is only 600mm apart). This, combined with the excessive distance of the first floor extension beyond the building line of the first floor of No 2, creates the completely unacceptable loss of light, amenity and privacy of No 2. The errors in the original and this new application represent a significant threat to the integrity of the Planning process and we expect the Local Planning Authority to reject this application and proceed forthwith with enforcement action to restore the light, amenity & privacy of No 2."</i></p> | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Ward Councillor | N/A | 7 September 2023 |
| <p><u>Ward Cllr David Beavan</u></p> <p><i>"Whilst it is not a material consideration, I did point out to the applicant when he started building that his structure was not aligned with the planning permission. He nevertheless continued unabated.</i></p> <p><i>There seems no consideration for the neighbour in this re-application to mitigate the effect of this mistake.</i></p> <p><i>The loss of light to the neighbour's backyard by protruding beyond the build line has not been re-addressed.</i></p> <p><i>The use of a 45 degree angle when the sun's zenith is only 51 degrees in winter is questionable. The fact that this extension is due South of the neighbour is relevant here.</i></p> <p><i>I also question the use of the whole garden to calculate a percentage loss of light in section 8 the sunlight assessment.</i></p> <p><i>The effect on the backyard is much greater.</i></p> | | |

We all know that the backyard is where people spend much of their time and it is the main outlook from the living quarters. The loss of natural light leads to dingy conditions with significant loss of amenity.

It would be no surprise if the neighbour was now to build out her side to a new build line, but this is not a reason to allow this retrospective application which could then become a precedent for bidding wars where gardens are overdeveloped locally.

In my view, this case calls in to question the integrity of our planning system."

| Consultee | Date consulted | Date reply received |
|---|------------------|---------------------|
| SCC Coasts And Heaths Project | 6 September 2023 | No response |
| Summary of comments: No comments received. | | |

Re-consultation consultees

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| Reydon Parish Council | 31 October 2023 | 17 November 2023 |
| <i>"Reydon Parish Council wishes (a) to reiterate its objection to this application as submitted on 22.09.23 and (b) to add that the amended (and hopefully now correct) drawings submitted as part of this application show that the first floor extension of No3 is even closer to No2 Bridge Road than indicated previously. This reinforces all the points made in the Parish Council's previous response and gives further weight to our objections. We urge the LPA to reject this application."</i> | | |

| Consultee | Date consulted | Date reply received |
|---|-----------------|---------------------|
| SCC Coasts And Heaths Project | 31 October 2023 | No response |
| Summary of comments: No comments received. | | |

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| Ward Councillor | 31 October 2023 | No response |
| Summary of comments: No further comment received. | | |

Third Party Representations

Two representations of Objection raising the following material planning considerations:

- Loss of light - The increased depth leads to a great loss of light to the neighbouring property;
- Oppression and sense of overbearing - The enlarged first floor creates a sense of oppression in the rear garden of No. 2 to the north; and
- Loss of Privacy - The French windows which now positioned deeper into the garden creates a greater overlooking and therefore more loss of privacy to neighbours.

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 6 September 2023

Expiry date: 27 September 2023

6. Planning policy

National Planning Policy Framework 2023 (NPPF)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

RNP10: Reydon Neighbourhood Design Principles (Reydon Neighbourhood Plan, 'Made' May 2021)

7. Planning Considerations

Visual Amenity, Street Scene, and Landscape

- 7.1. Bridge Road is a private road, and all the extensions alterations subject of this application are to the rear and side of the dwelling. Views of the extensions would be visible when approaching from the south; however, the additional flat roof from the ground floor extension would not be overly prominent or out of place extending an existing large flat roof by 0.5 metres in width. The new gable would be seen from the side and would not appear out of place in the context. From a design perspective it is considered that the development carried out still respects the character and appearance of the existing dwelling, and the terrace it forms part of. The development does not harm the character of the village.
- 7.2. It is worth highlighting that the neighbours rear gable, at No.2 (who has objected to the application), has been clad in timber - which was not shown on their original elevational plans under planning permission ref. DC/21/5636/FUL. Cladding was referenced in their Design and Access Statement and description of development but does not appear to be explicitly shown on their drawings. This is not a matter being considered under this application, but it does highlight how genuine mistakes can be made through the application process and discrepancies with drawn detail can happen, without any deliberate attempt to flout planning controls. This only reinforces the requirement to treat retrospective applications without prejudice – and make decisions based solely on the planning merits of the development subject of such applications.
- 7.3. The proposals accord with the design policies of both the Local Plan and Neighbourhood Plan.

Residential Amenity

- 7.4. The main issue to consider with this application is the impact of the proposal on the amenity/living conditions of the neighbour to the north at No. 2 Bridge Road. After a more accurate assessment of what has been built, the first-floor extension is approximately 0.153 metres deeper than what was shown on the original plans. However, this alone is not the main concern. The original plans showed the neighbour's first floor extension being 3.7 metres in depth when in reality, actually, it was only 2.4 metres in depth. It also showed the gap between both extensions of being 1 metre when the gap, in reality, was only 0.7 metres.
- 7.5. The first permission was granted on the basis that *"The proposed two-storey rear extension reflects a similar addition made to the adjoining property. It does project out further by half a metre but is narrower in width in that the extension does not extend across the full width of the rear elevation."* It is now clear that the first-floor extension projects out by approximately 1.7 metres beyond that of the neighbouring extension, and the determining factor is whether this additional depth and closer physical relationship between the two extended dwellings causes such a degree of harm to the residential amenity of the neighbour that this application should be refused, and enforcement action taken.
- 7.6. Regarding loss of light, the applicant has submitted a Daylight and Sunlight Assessment. Officers generally agree with the conclusions of this document which uses the industry standard BRE guidance. Although larger than originally approved, the additional 1.2 metres depth does not appear to unacceptably block light to the neighbouring windows or the garden to the degree whereby the impact on their living conditions would be contrary to policy WLP8.29 (Design) of the Development Plan.
- 7.7. In terms of whether the development is overbearing, the first-floor extension extends out to the building line of the neighbour's ground floor extension. When viewed together from the neighbour's garden, although appearing slightly deeper within certain areas, the first floor extension does not appear to significantly extend out beyond the built footprint of the neighbour's dwelling. When viewed together, both extensions appear acceptable and suitably related to each other and their respective host dwellings. This is helped by the size of the neighbour's garden with only the area directly behind the house being affected.
- 7.8. In terms of loss of privacy and overlooking the neighbour has planted some trees and bushes to try and screen the views into their garden from the new French doors at the first floor. If the proposal was set back a further 1.2 metres from the neighbour's gable as the original plans had portrayed, it would be unlikely that the eye line into the garden area of the neighbour would be significantly different. Arguably you may be able to see more of the garden with the area directly behind the house coming more into view. In any case, the relative depth of the extension is acceptable, as is the fenestration and any views from those glazed areas.
- 7.9. Overall, it is not considered that a reduction of 1.2 metres in depth of the first-floor extension (to revert to the detail shown within the previous approval) would have any significant beneficial impact on the amenity of the neighbour. Whilst officers acknowledge that retrospective applications are unfortunate, they do by their nature allow an actual assessment of real-life, built development. In this case the site visit findings indicate that the

built development is acceptable and in accordance with policy WLP8.29 in terms of its impact on residential amenity.

Flood Risk

- 7.10. The site falls within flood zone two and on the edge of zone three, but in an area benefitting from flood defences. As most of the additional floor space is at the first floor and the original consent did not raise any flood related issues or require a bespoke Flood Risk Assessment, a Full Flood Risk Assessment is not considered necessary in this case.

Parking and Highways Safety

- 7.11. The proposal does not increase the number of bedrooms and does not impact on the parking provision of the property.

8. Conclusion

- 8.1. As the design/external appearance has not substantially changed from the original approval and, as noted above, the impact on neighbour amenity is judged to be acceptable, the development is acceptable and in accordance with the Development Plan. That this application has been made retrospectively is immaterial to the decision-taking process and, judged on its merits, this application can be approved.

9. Recommendation

- 9.1. Approve.

10. Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with A04-10-Rev-C received 30/10/23, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

2. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

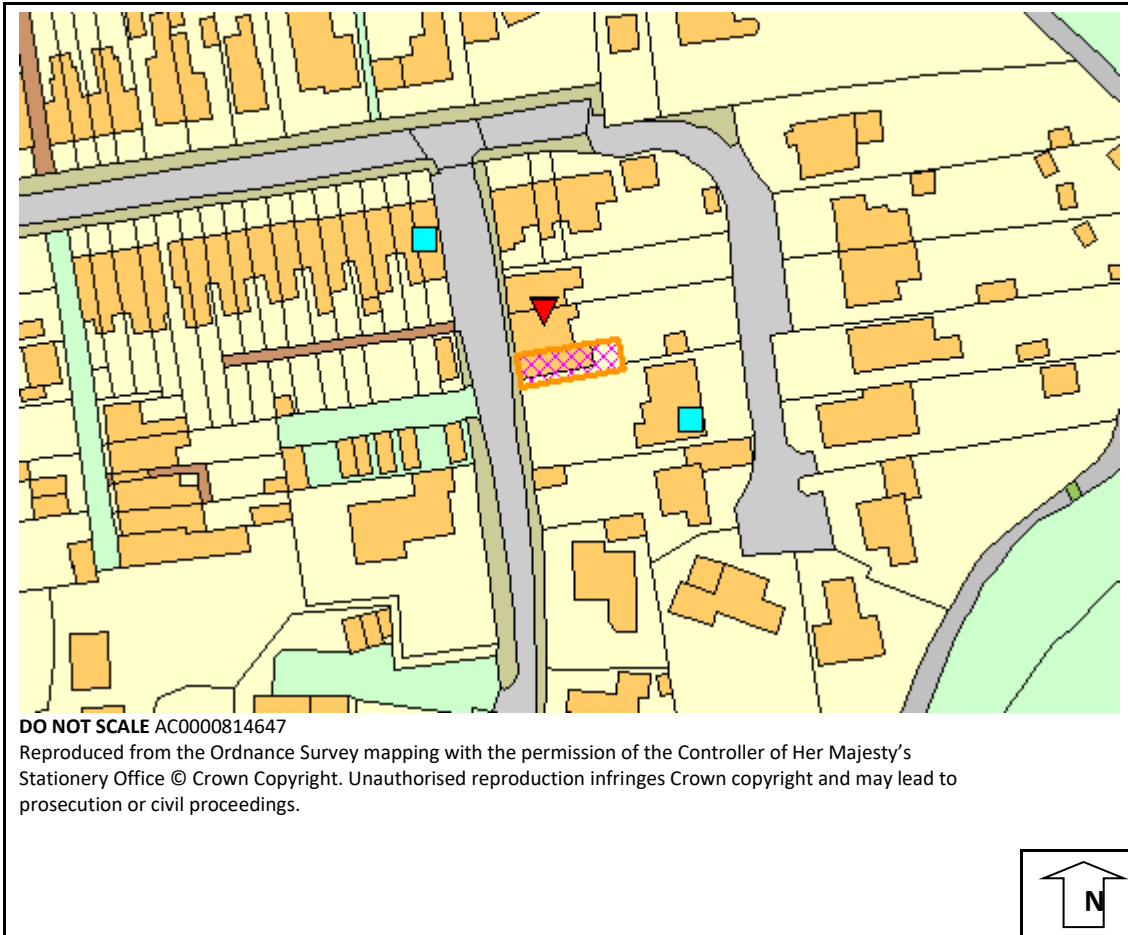
3. The existing and proposed flat roofed areas shall not be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of protecting the amenity of neighbouring residents

Background information

See application reference DC/23/2454/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support