

Item :

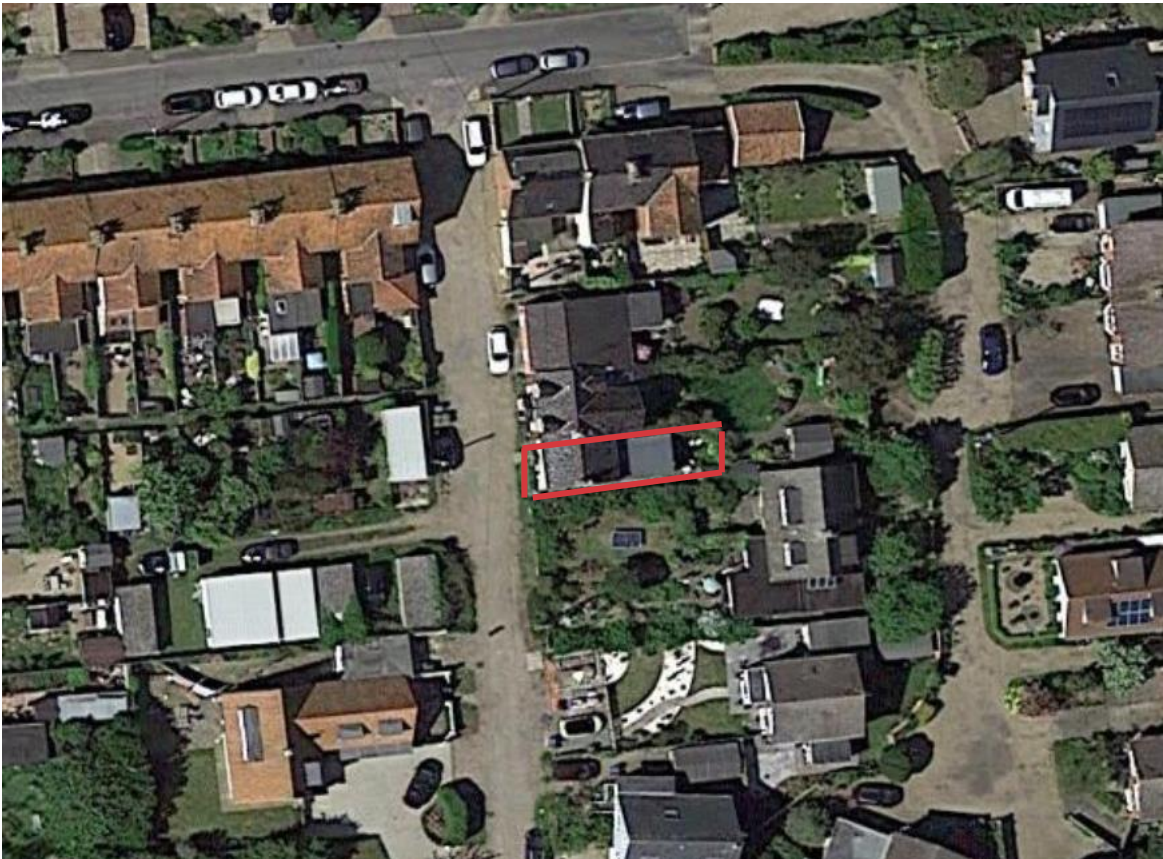
DC/23/2454/FUL

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

Doreens Cottage, 3 Bridge Road, Reydon, IP18 6RR



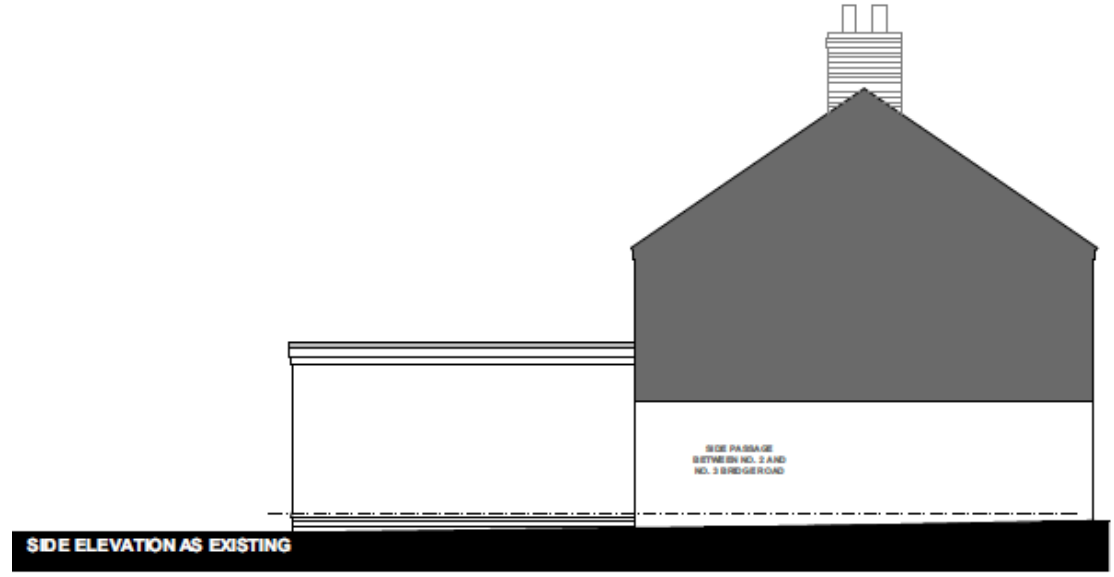
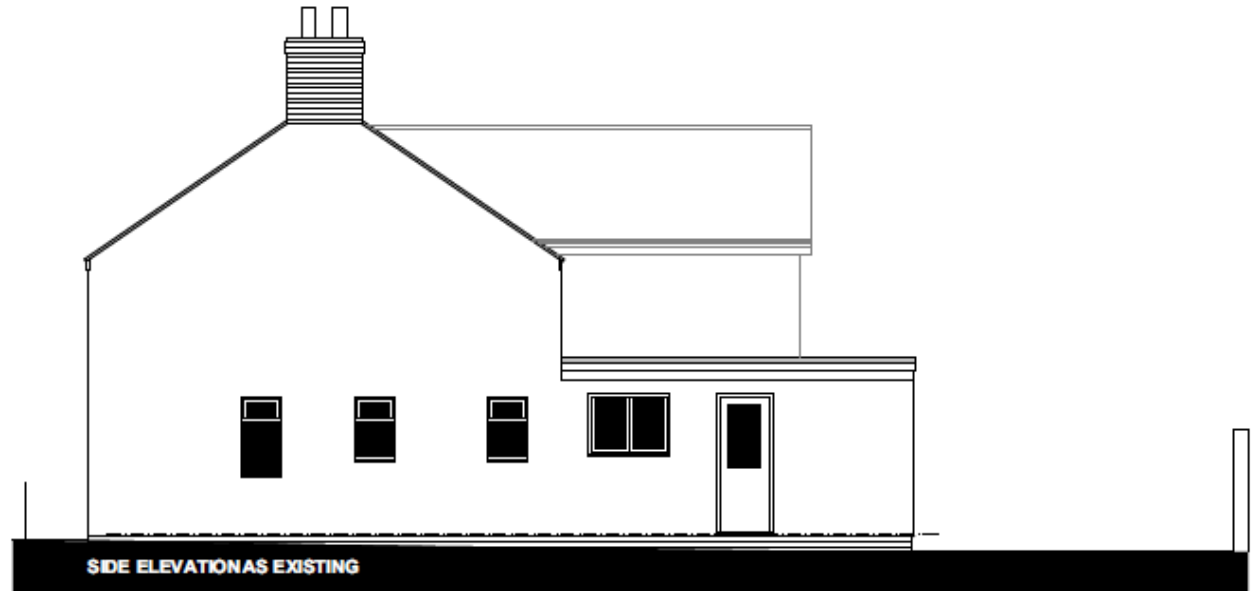
Site Location Plan



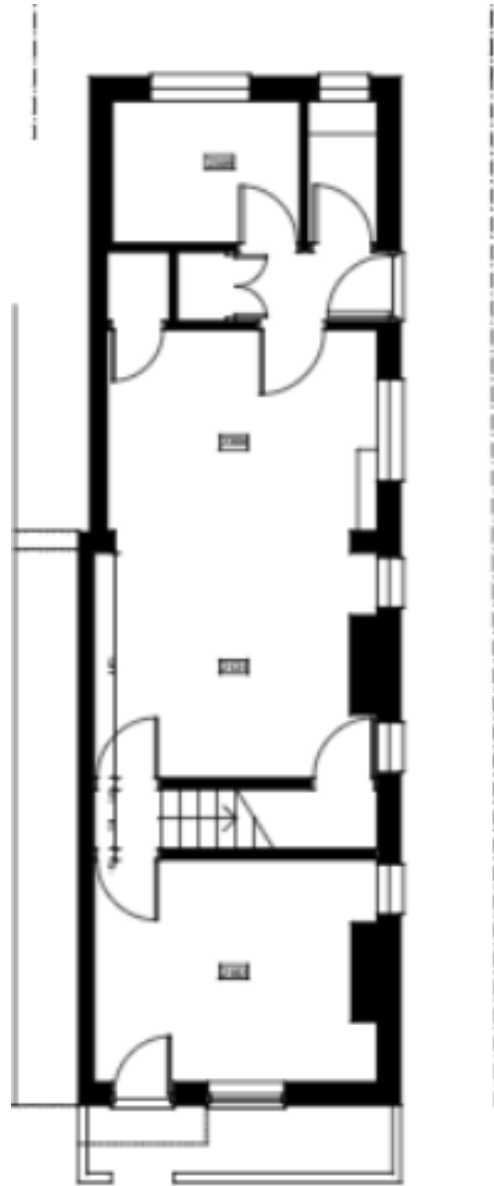
Reason Application is before planning committee

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.

Original Elevations



Original Floor Plans

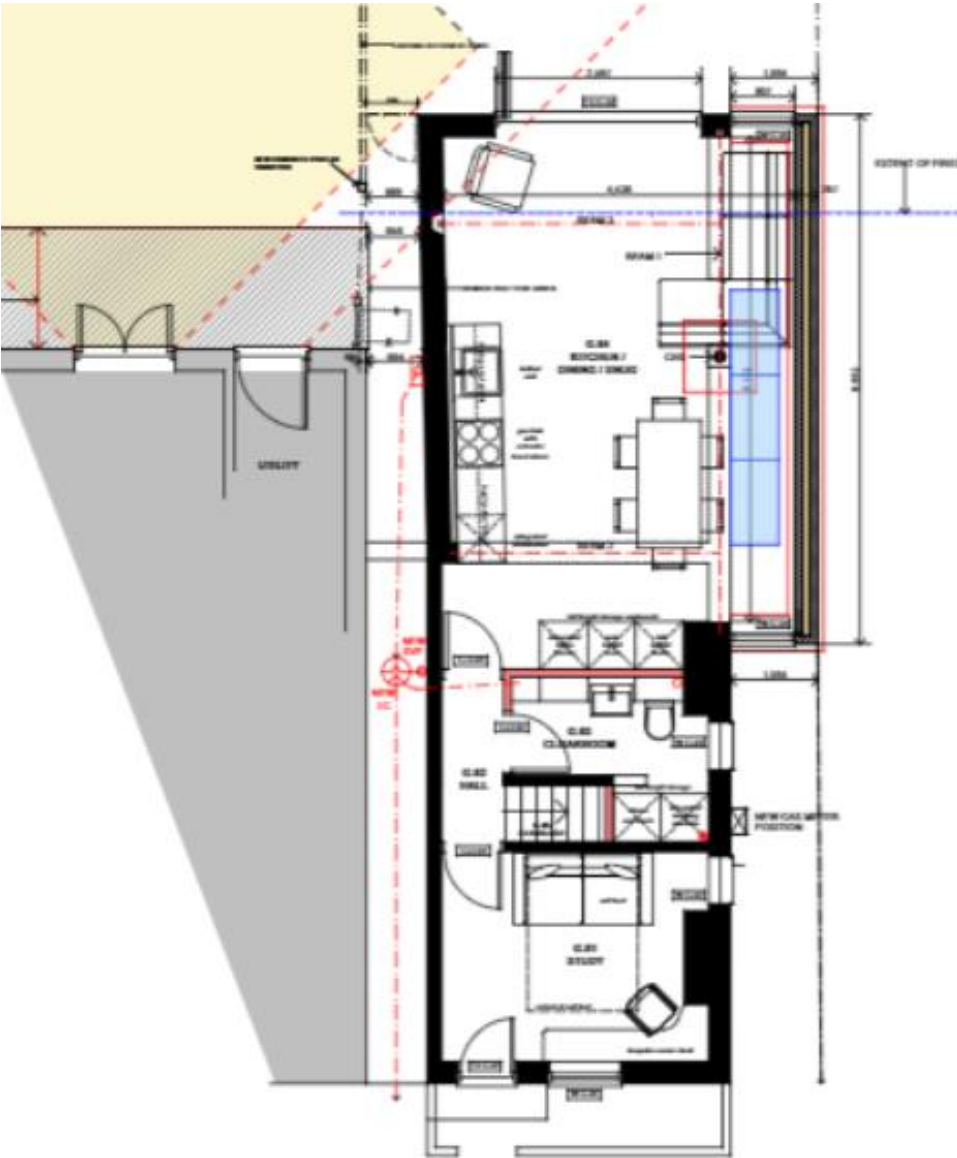


EXISTING GROUND FLOOR PLAN

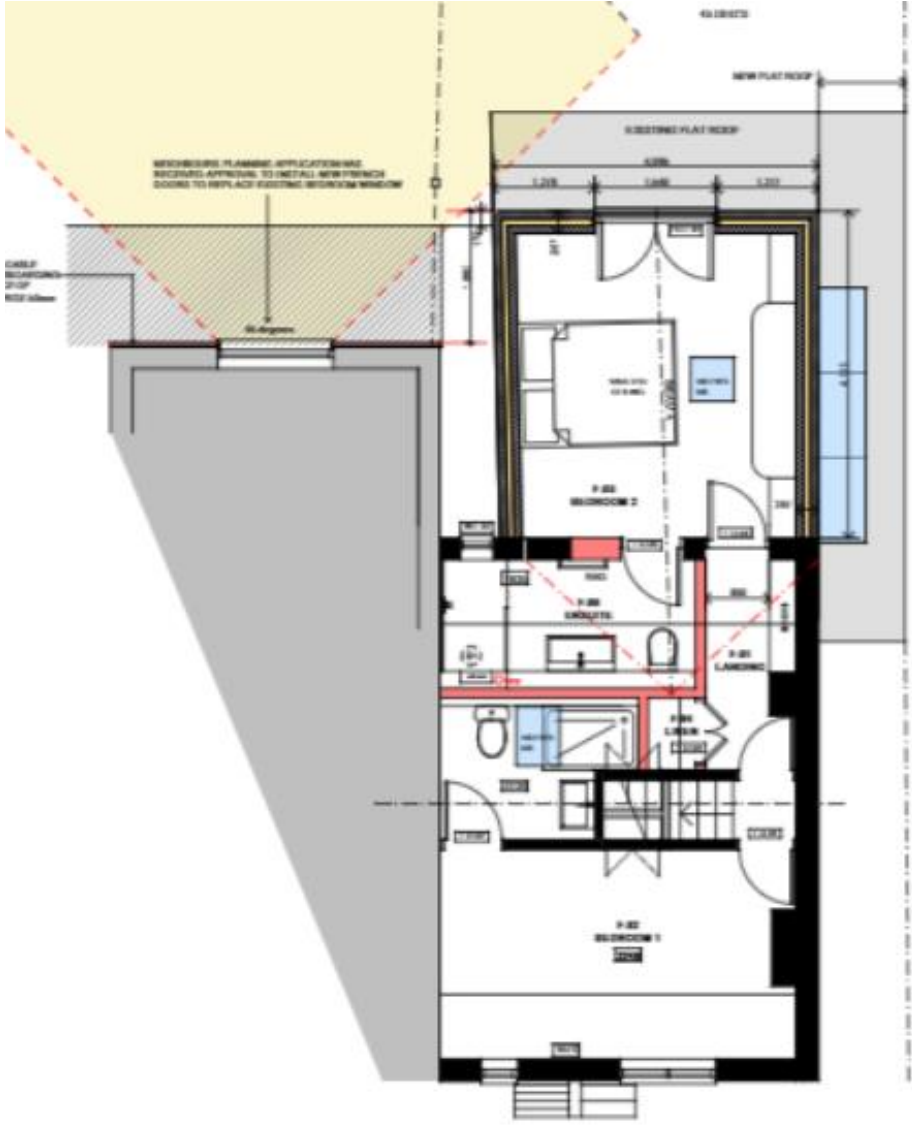


EXISTING FIRST FLOOR PLAN

Proposed/Current Floor Plans



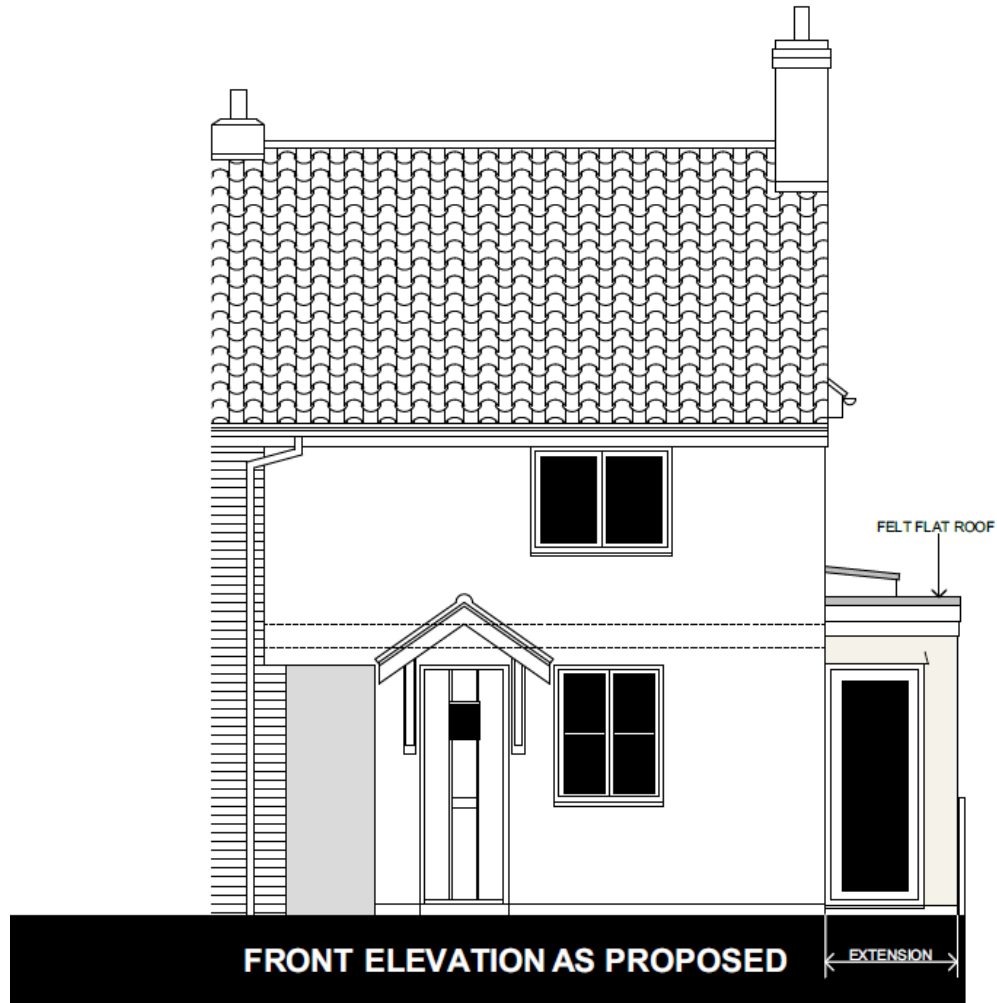
PROPOSED GROUND FLOOR PLAN - REVISED



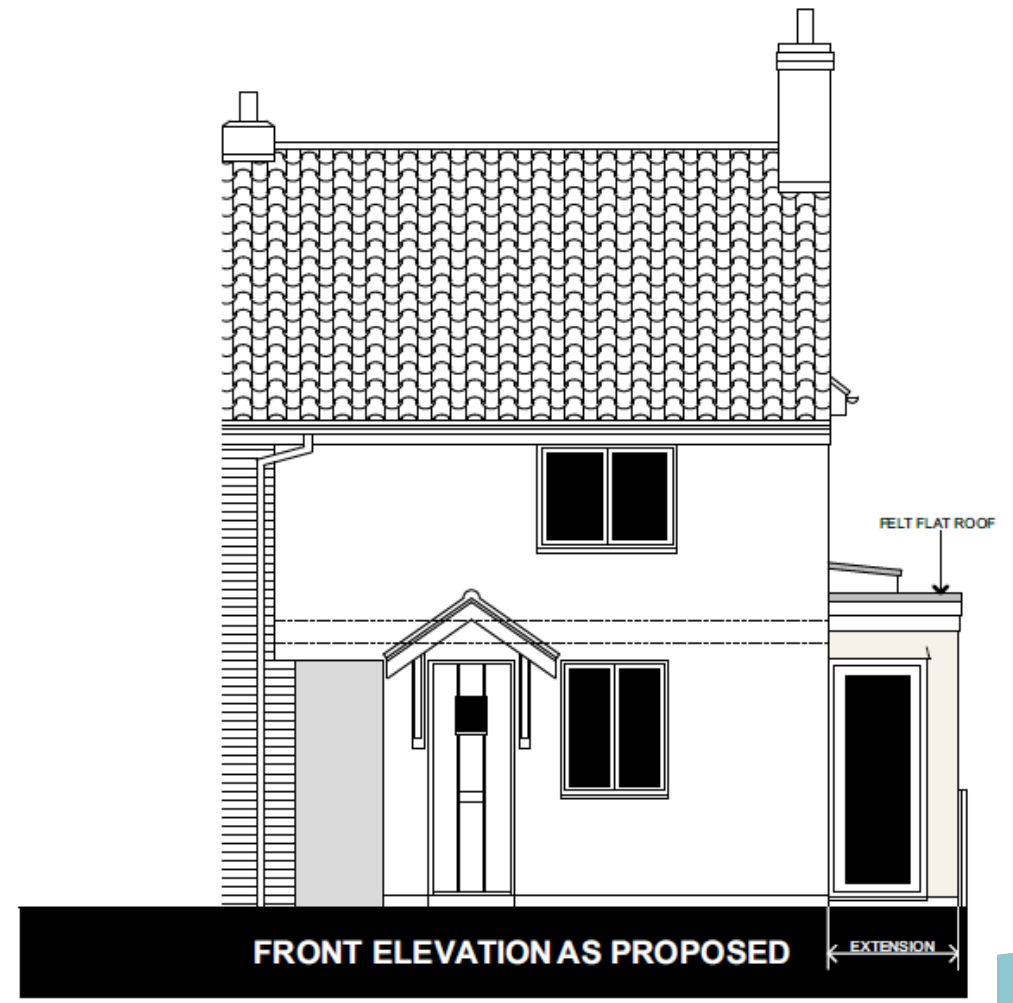
PROPOSED FIRST FLOOR PLAN - REVISED

Proposed/Current Elevations (Front)

Original application

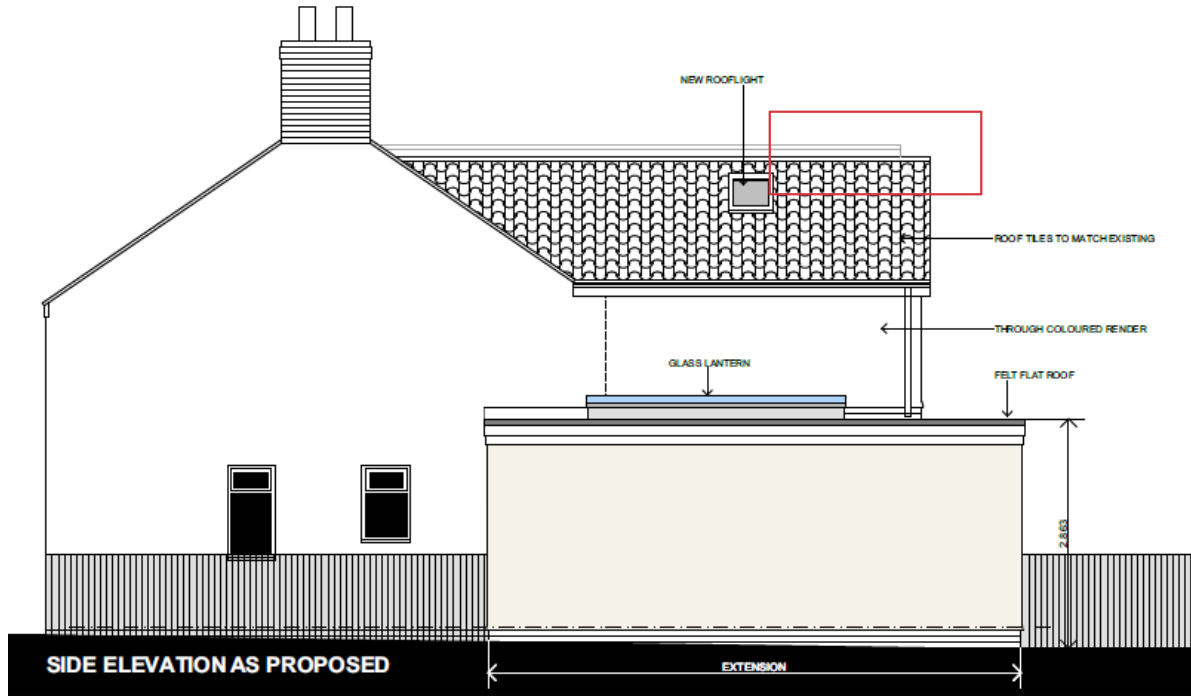


Current application

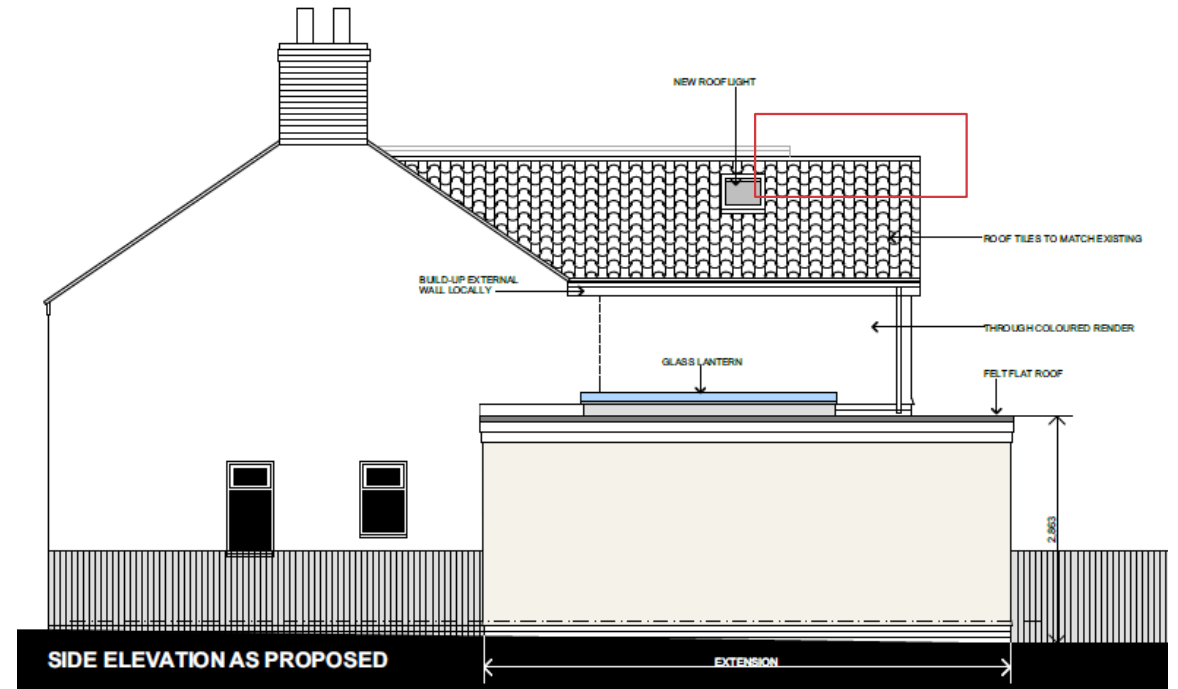


Proposed Elevations (Side)

Original application

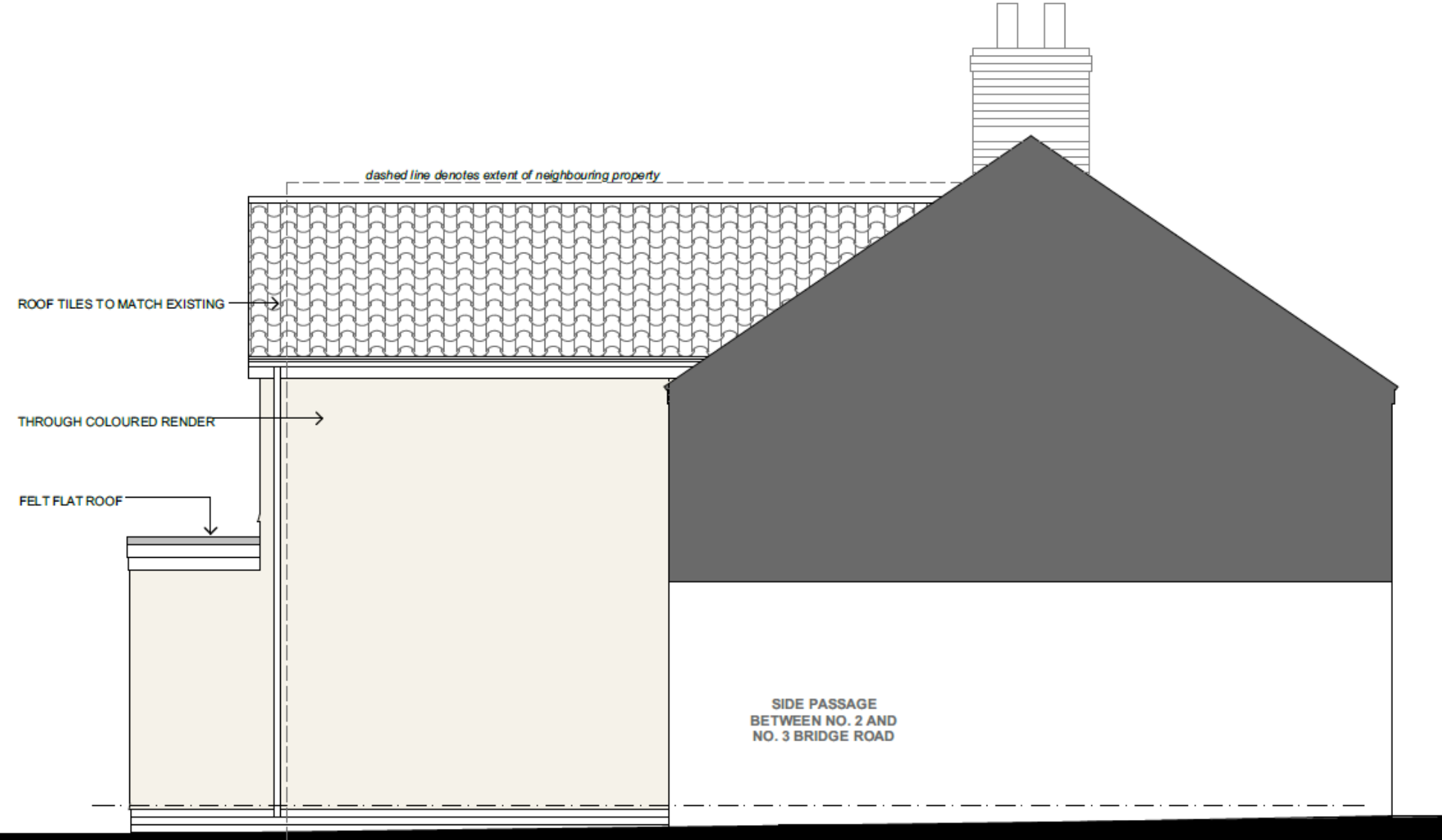


Current application



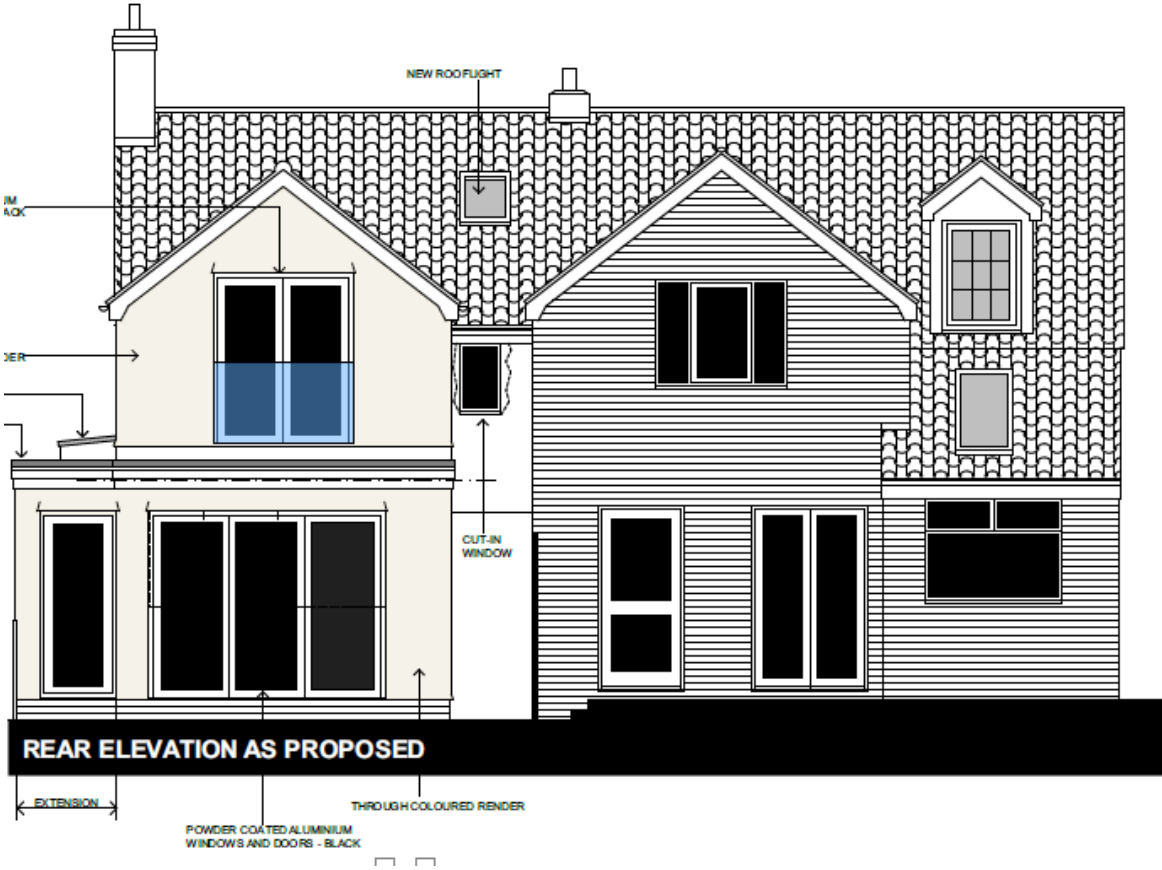
Issues

Original Side Plan (Incorrectly showing outline of neighbours gable)

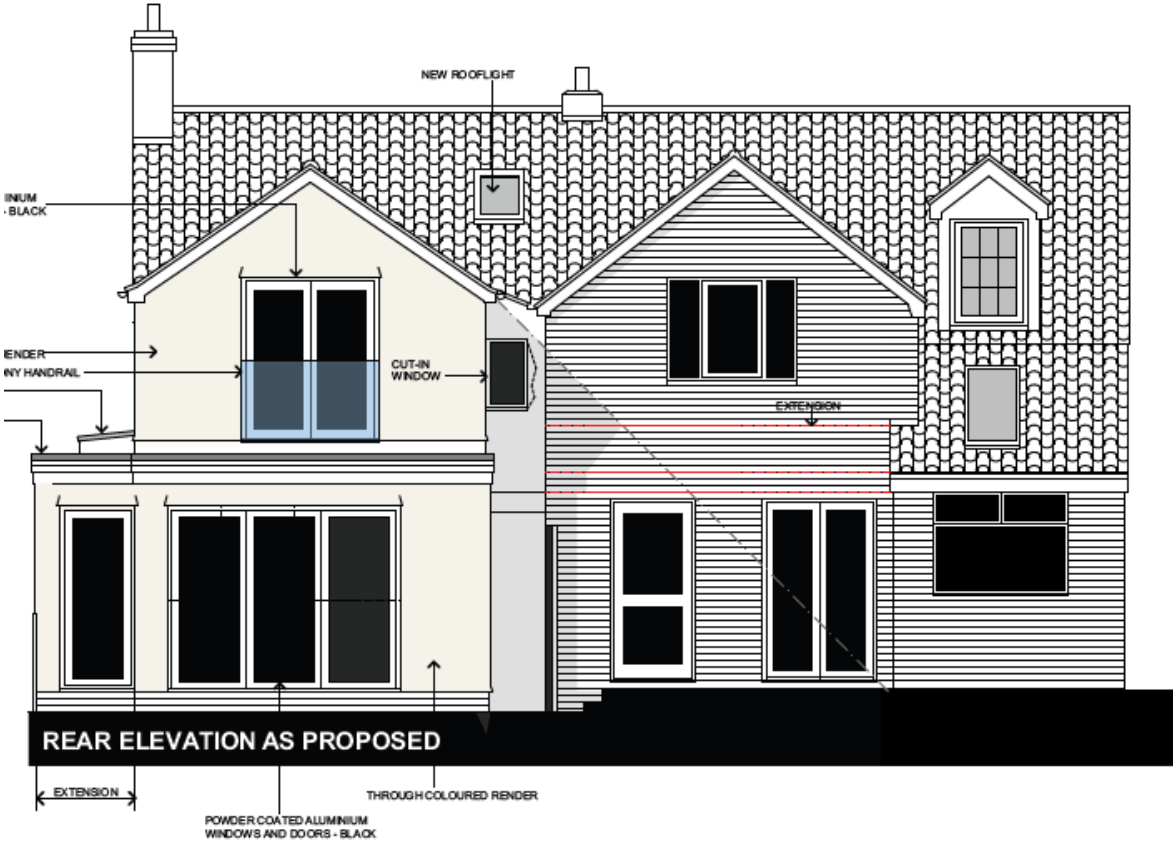


Proposed Elevations (Rear)

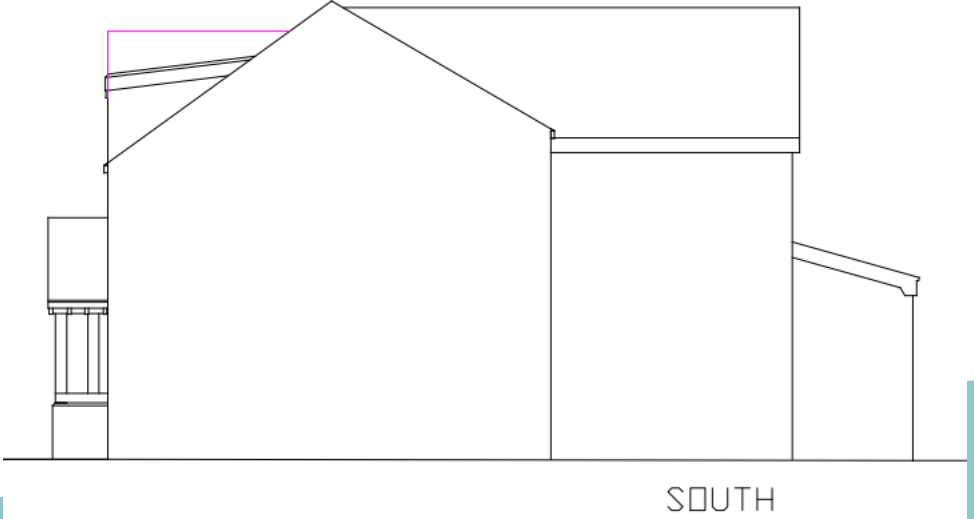
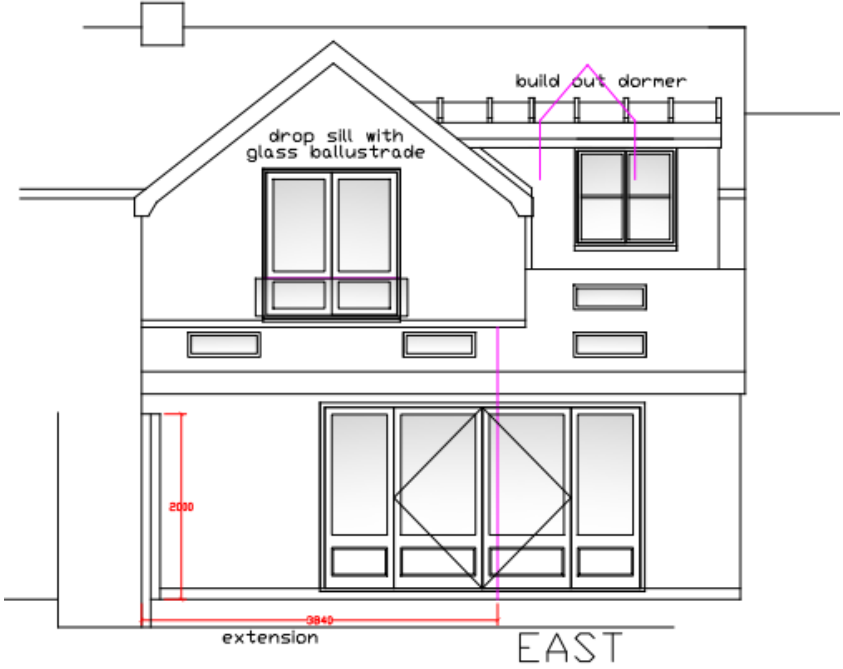
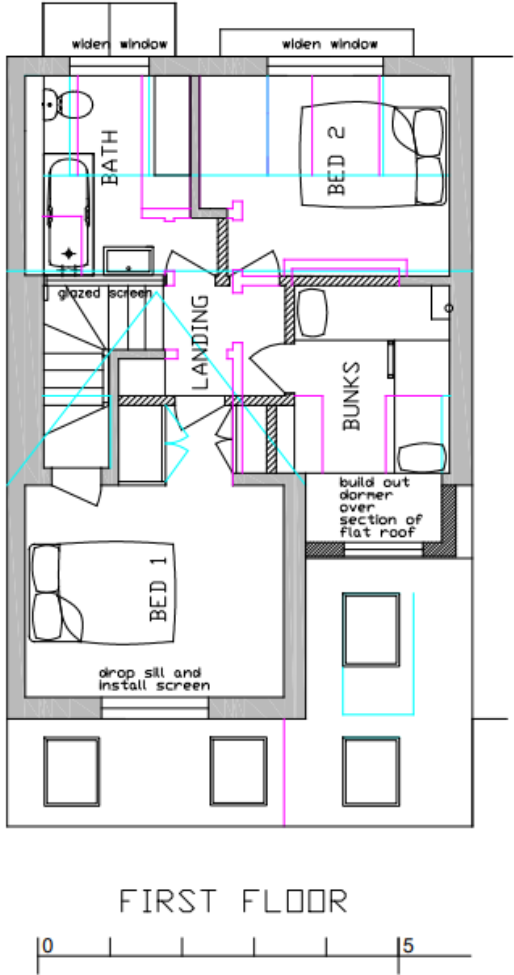
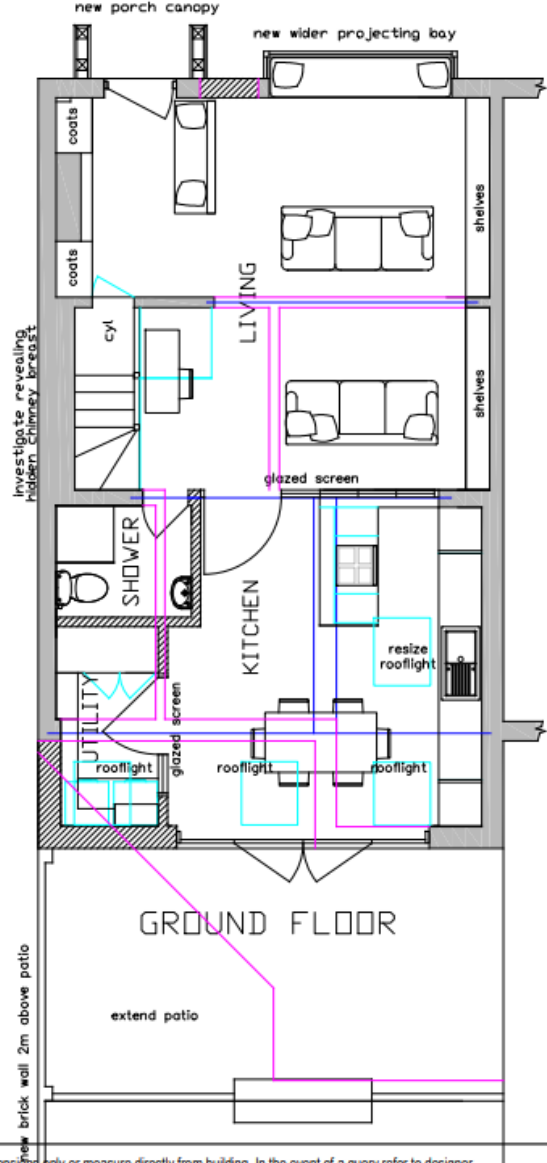
Original application



Current application



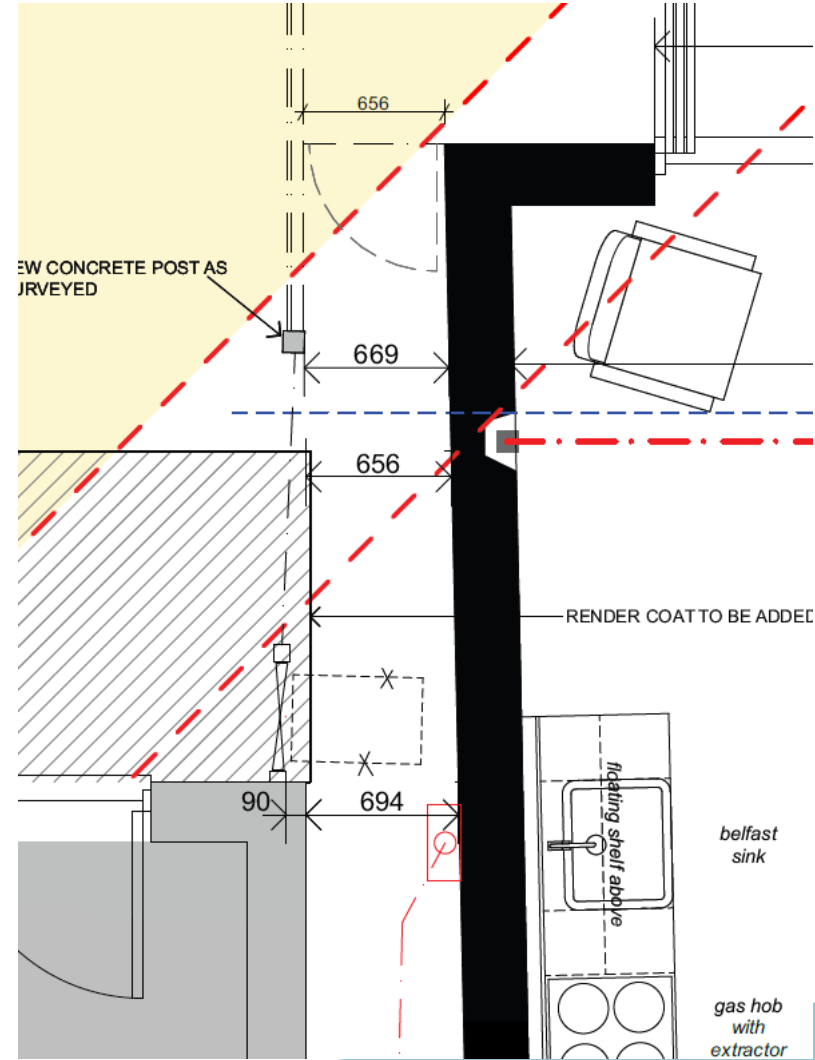
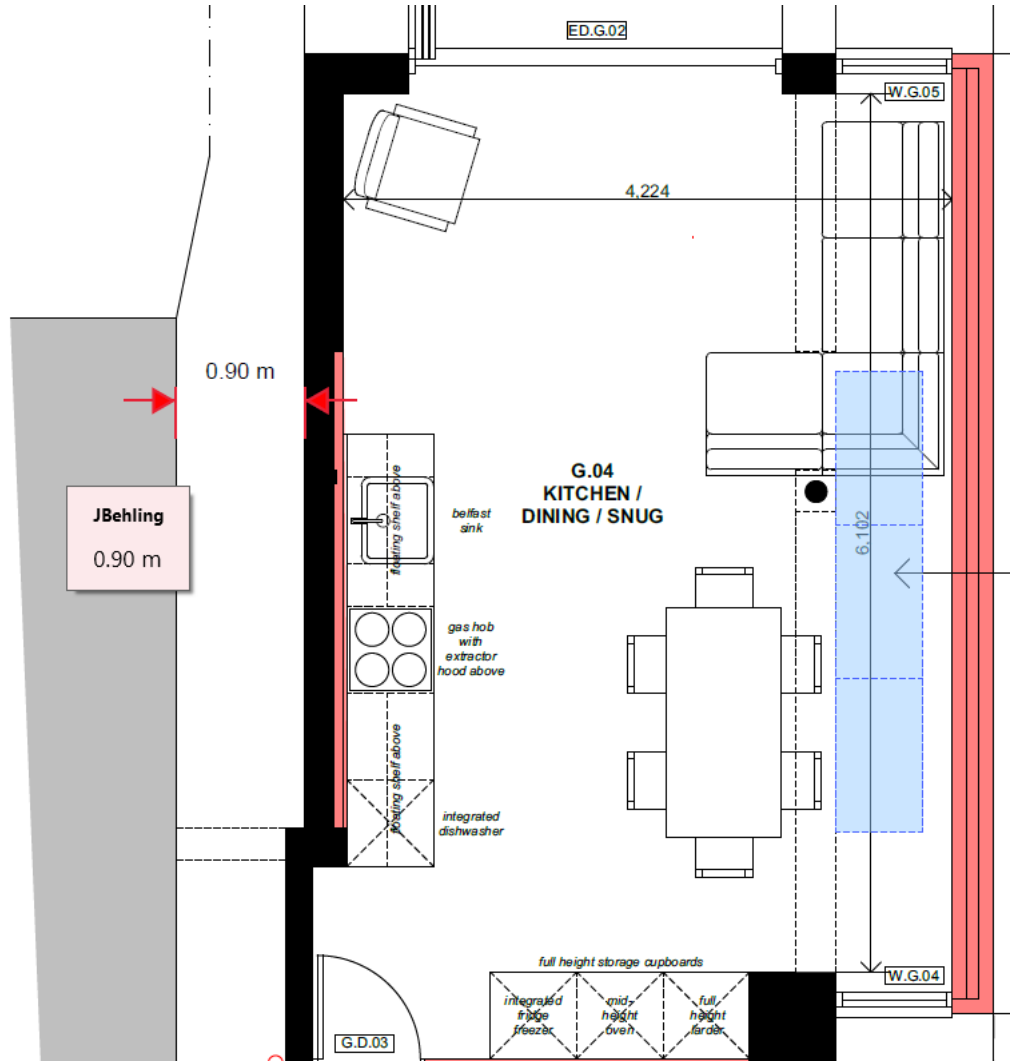
Neighbours Extension



1 dimensions only or measure directly from building. In the event of a query refer to designer. right of Charlotte Piher and should not be reproduced without prior consent.

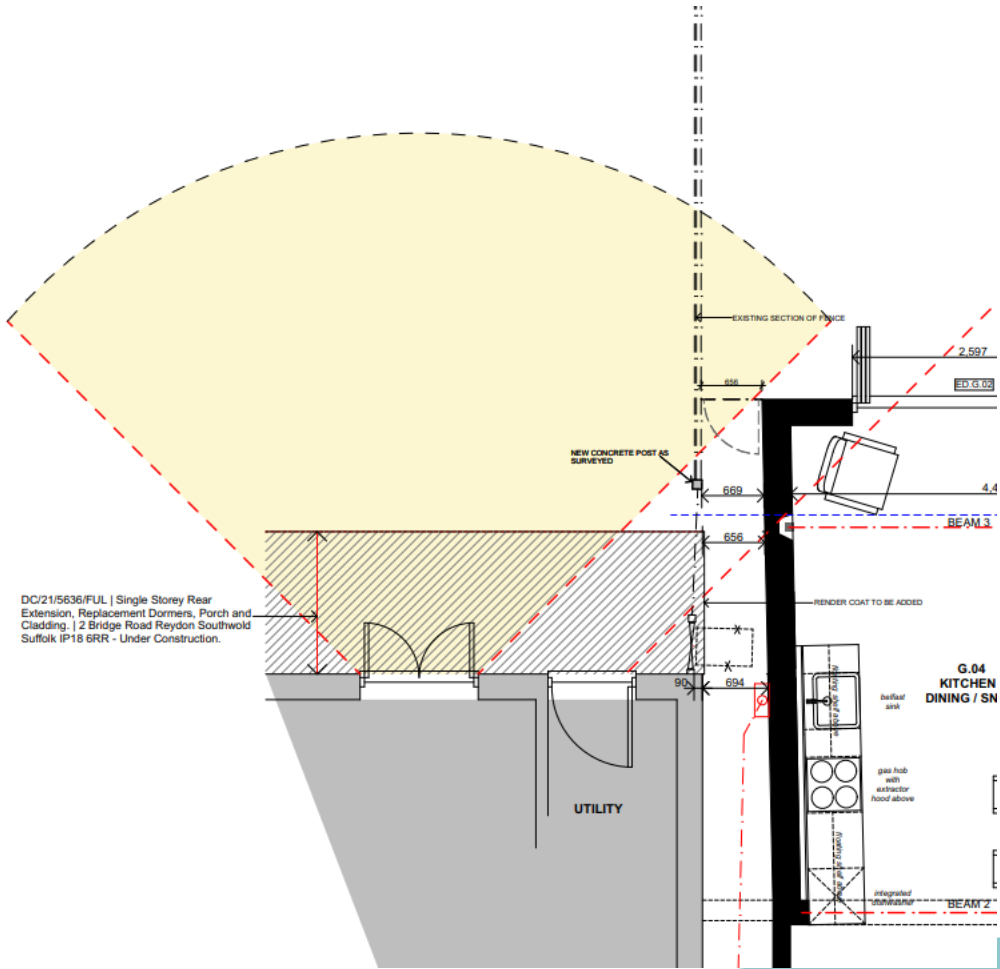
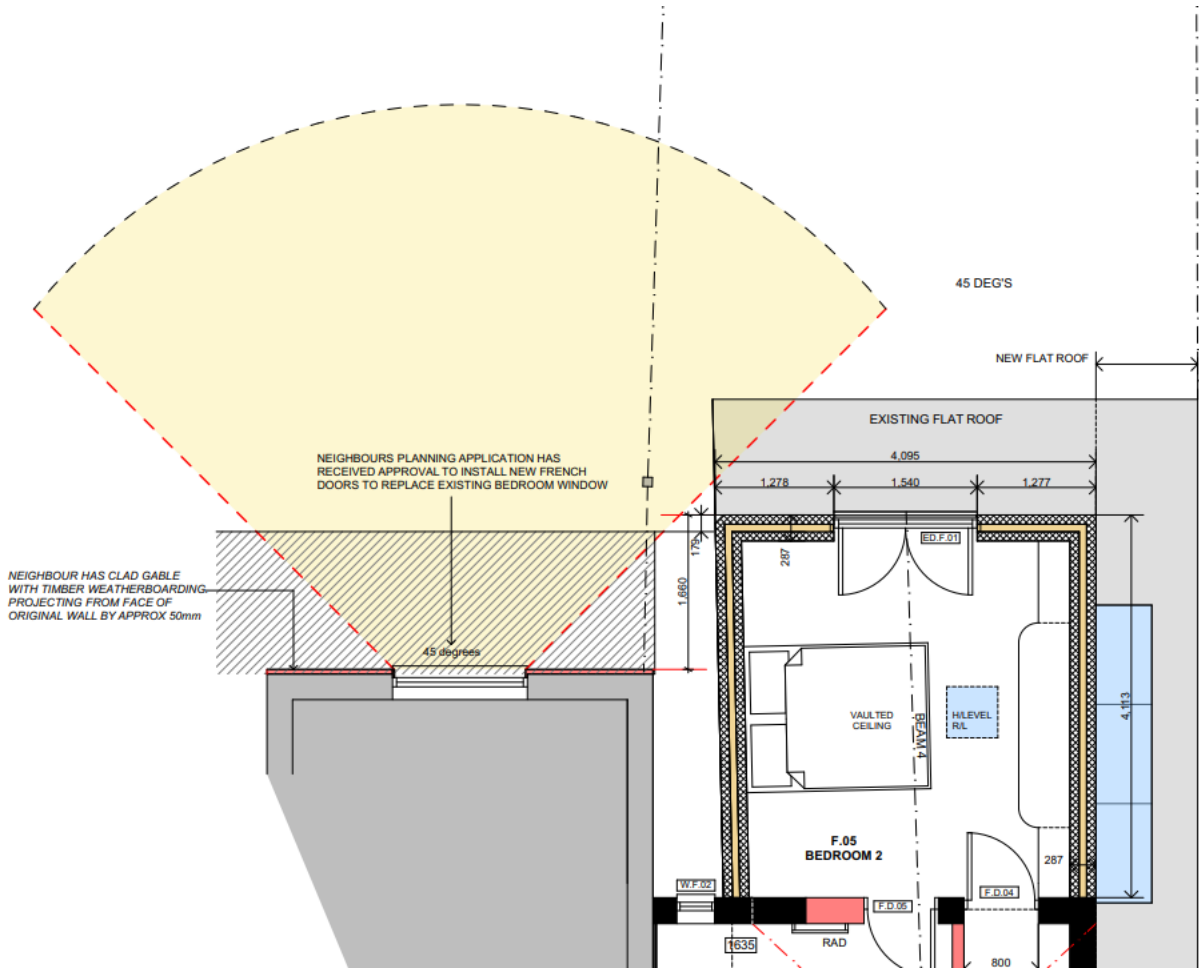
Other Issues

Original Floor Plan (Incorrect gap width between dwellings)



Other Issues

Outlook and light to neighbour



Photographs



Photographs



Photographs



Photographs



Photographs



Photographs




Photographs



Photographs




Material Planning Considerations and Key Issues

- **Loss of Light**
 - **Overlooking and Loss of Privacy**
 - **Oppression and sense of overbearing**
- 

Recommendation

Approve Subject to conditions– summarised below:

- **Approved Plans**
 - **Materials**
 - **Balcony/terrace Restriction**
- 

1 – 3 Bridge Road, Reydon – a short planning history

A brief planning history of 1-3 Bridge Road reveals two points:

- A progressive upgrade to all three houses, in line with the standards of the day;
- For 24 years, between 1998 and 2022, No 2 Bridge projected furthest East of all three houses at First Floor level. It remains the largest of the three houses by volume.

16th August 1904

Adnams auction 60 building plots at the Drill Hall in Southwold, on land that was part of Blackwater Farm

1906-8

1,2, and 3 Bridge Rd built: all to the same footprint. 1 & 2 are single storey dwellings whilst No 3 is 2 storeys;

1974

No 3 Bridge Rd is Consented for a GF extension to provide a new bathroom & toilet – see separate attachment;

1985

No 2 Bridge Rd is Consented for a new 1st Floor to provide 2 new bedrooms and a bathroom; and also a GF extension to provide a new kitchen – see separate attachment;

1997

No 1 Bridge Road is Consented for a new Ground Floor flat roof kitchen extension;

1998

No 2 Bridge Rd is Consented for a new Ground and First Floor extension to include a new kitchen at GF level, and a new 3rd bedroom above it, becoming the largest of the three houses, and at First Floor projects some 3m beyond No 3 Bridge Road – see separate attachment;

September 2021

No 3 Bridge Road is Consented for a single storey side and rear flat roofed extension, and rear first floor pitched roof extension;

December 2021

No 2 Bridge Rd Consented for new GF extension, new dormers, and porch.



N.12117

EAST SUFFOLK COUNTY COUNCIL
TOWN & COUNTRY PLANNING ACT 1971

Register No. N/12117

Town/Parish Raydon Date of Application 25 February 1974

Applicant's Name & Address Mr. L.H. Roffe, Cemetery Lodge, 146 Mersea Road,
Colchester, Essex.

Agent's Name & Address _____

Description and Situation of Development Bathrooms and kitchen extension,
3 Bridge Road, Raydon.

PERMISSION IS HEREBY GRANTED by the EAST SUFFOLK COUNTY COUNCIL as the Local Planning Authority for the purposes of the TOWN AND COUNTRY PLANNING ACT, 1971 to development in accordance with the application shown above, subject to the development being carried out in accordance with the plan(s) and information contained in the application, and to the following conditions:

The development hereby permitted shall be begun not later than 5 years from the date of this permission.

The reason(s) for the condition(s) is/are as follows:-

This condition is imposed in accordance with Section 41 of the Town and Country Planning Act, 1971.

Date 25 MAR 1974

C. Smith
Clerk & Chief Executive

IMPORTANT - PLEASE READ THE NOTES OVERLEAF

IP6 B15

N/12117

NOTES

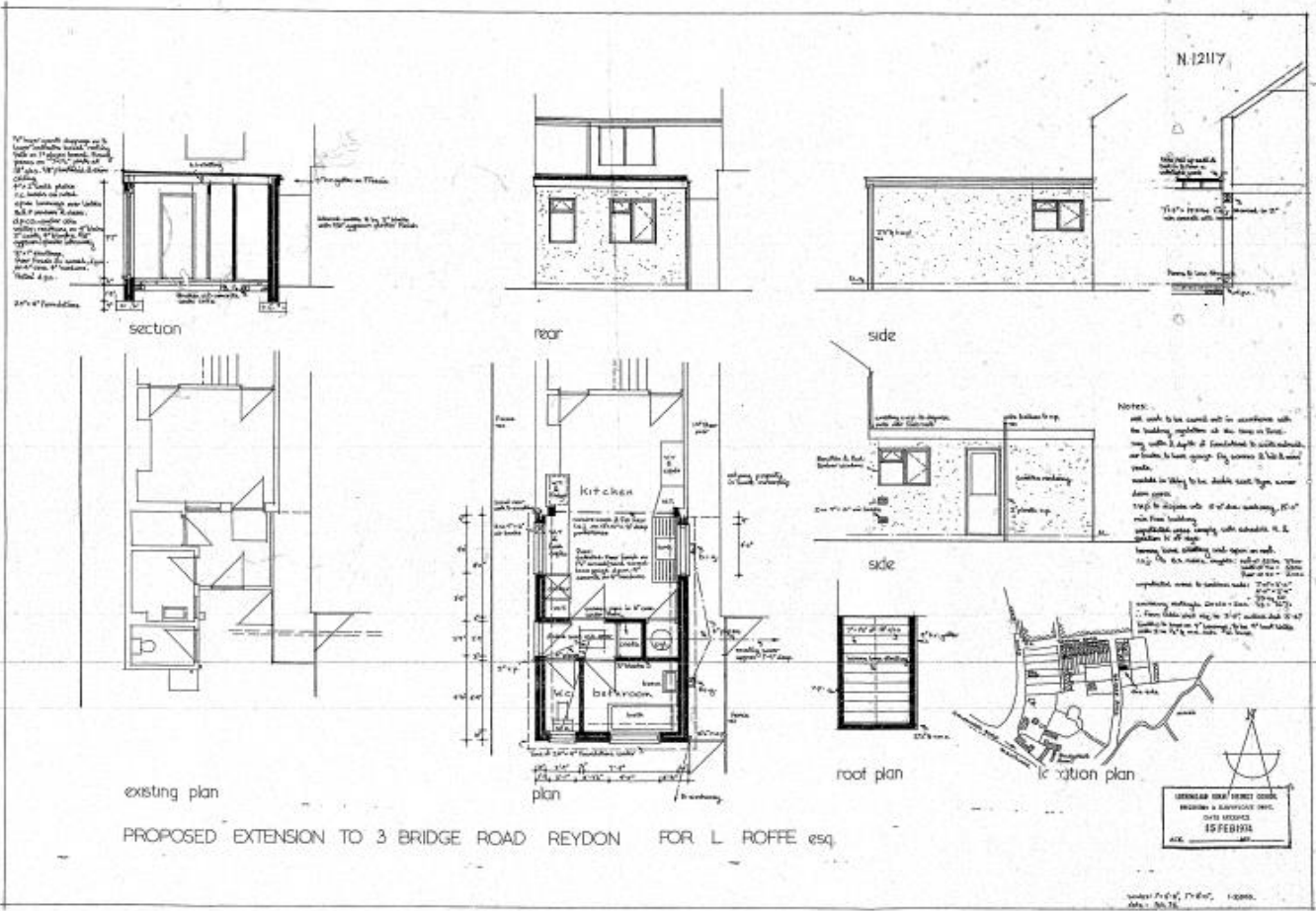
This consent refers only to the provisions of Part III of the Town and Country Planning Act, 1971, and attention is drawn to the necessity (where applicable) for obtaining the consent of the building regulations authority, i.e., The Borough or District Council, to the proposed development.

The following notes apply only if permission is granted subject to conditions:

(1) If the applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act, 1971, within six months of receipt of this notice (Appeals must be made on a form which is obtainable from the Department of the Environment, Caxton House, Tothill Street, London SW1H 9LZ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. (The statutory requirements are those set out in section 36(7) of the Town & Country Planning Act, 1971, namely sections 29(1), 30(1), 67 & 74 of the Act.) He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(3) In certain circumstances, a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.



N.12117

P.101

**APPLICATION FOR PERMISSION FOR DEVELOPMENT
OR APPROVAL OF RESERVED MATTERS**

For Office Use Only
Application No.

TOWN AND COUNTRY PLANNING ACT, 1971
TO THE EAST SUFFOLK COUNTY COUNCIL

- I/We hereby apply for:-
- (a) Outline Planning Permission
 - (b) Planning Permission
 - (c) Approval of details under an Outline Planning Permission already granted, (delete whichever is inapplicable)

LOCAL DISTRICT COUNCIL
ENGINEERS & SURVEYORS DEPT.
DATE RECEIVED
15 FEB 1974
ACK.

in accordance with this application and the attached Plans and Drawings

Date 15 2 74

A APPLICANT'S SURNAME ROFFE OTHER NAMES L. H.
(STATE WHETHER MR, MRS, OR MISS)
POSTAL ADDRESS CEMETERY LODGE 146 NERSEA ROAD
NAME AND ADDRESS (IN BLOCK LETTERS) COLCHESTER ESSEX TELEPHONE NUMBER [REDACTED]
IF SIGNED BY AN AGENT: NAME OF AGENT _____
ADDRESS OF AGENT _____ TELEPHONE NUMBER _____

Signature of Applicant or his Agent [REDACTED]

PART I - (GENERAL) (IN THIS PART THE WORD LAND INCLUDES ANY BUILDING THEREON)

B DESCRIBE THE PROPOSED DEVELOPMENT INCLUDING THE PURPOSE FOR WHICH THE LAND AND/OR BUILDINGS ARE TO BE USED. IF THEY ARE TO BE USED FOR MORE THAN ONE PURPOSE, GIVE DETAILS.
Proposed bathroom & kitchen extension private dwelling use

C ADDRESS OR LOCATION OF THE LAND TO BE DEVELOPED, IN SUFFICIENT DETAIL TO ENABLE IT TO BE READILY IDENTIFIED. (GIVE O.S. PARCEL No(s), WHERE APPROPRIATE).
3 Bridge Road Reydon

D DIMENSIONS OF PLOT.
FRONTAGE See plan FEET. AREA ACRES/SQ. YDS.
DEPTH FEET

E IF PERMISSION IS REQUIRED FOR A LIMITED PERIOD ONLY, STATE PERIOD.

F IF THERE IS A VALID OUTLINE PERMISSION AFFECTING THE SITE QUOTE REGISTER No. AND DATE OF PERMISSION
REGISTER No. No DATE _____

G HAS THE SITE BEEN SURVEYED IN CONNECTION WITH THE APPLICATION?
YES

H DOES THE PROPOSED DEVELOPMENT INVOLVE THE CONSTRUCTION OF A NEW OR THE ALTERATION OF AN EXISTING ACCESS TO OR FROM A HIGHWAY?
No

J IF SO STATE WHETHER THE NEW OR ALTERED ACCESS IS FOR VEHICLES OR PEDESTRIANS.

K STATE THE EXISTING MEANS OF ACCESS TO THE LAND OR BUILDINGS.
2 no side accesses

L STATE THE PURPOSE FOR WHICH THE LAND AND/OR BUILDINGS ARE NOW USED, AND IF USED FOR MORE THAN ONE PURPOSE, GIVE DETAILS.
private dwelling house

NO APPLICATION CAN BE CONSIDERED UNLESS ACCOMPANIED BY A NOTICE OR CERTIFICATE UNDER SECTIONS 26 AND 27 OF THE TOWN AND COUNTRY PLANNING ACT, 1971. PARTICULARS OF THE APPLICANTS INTEREST IN THE LAND MUST BE GIVEN BELOW AND CERTIFICATE A, B, C OR D ON THE ATTACHED SHEET MUST BE COMPLETED AS APPROPRIATE.

M PARTICULARS OF THE APPLICANT'S INTEREST IN THE LAND (E.G. OWNER, LESSEE, PROSPECTIVE PURCHASER, ETC.)
owner

IF THE APPLICANT IS A PROSPECTIVE PURCHASER OR LESSEE OF THE LAND, STATE WHETHER THE VENDOR OR LESSOR HAS CONSENTED TO THE PROPOSED DEVELOPMENT.

- (1) "Development" includes the siting of any material change in the use of any buildings or other land.
(2) This application is only for permission or approval under the Town & Country Planning Act and not for any other purposes.

PART II - ADDITIONAL INFORMATION REQUIRED ONLY IF THE APPLICATION IS FOR THE CONSTRUCTION OF A BUILDING
(IF THERE IS MORE THAN ONE BUILDING, GIVE SEPARATE PARTICULARS FOR EACH)

N DETAILS OF BUILDING(S)

BUILDING LINE (FROM EDGE OF METALLED SECTION OF THE ROAD)	(a) <u>See plans</u>	(b)
DISTANCE BETWEEN BUILDING AND SIDE BOUNDARIES OF SITE.	(a)	(b)
DISTANCE BETWEEN BUILDING AND ADJACENT BUILDINGS ON BOTH SIDES	(a)	(b)

P DETAILS OF MATERIALS OF PROPOSED BUILDING(S)

	MATERIALS	COLOUR AND TEXTURE OR PROFILE
WALLS	<u>2 skins Blackwork</u>	<u>Rendevred white</u>
ROOF COVERING	<u>Felt</u>	<u>grey</u>

Q IF EXTENSION OR PART RE-BUILDING GIVE DETAILS OF MATERIALS OF EXISTING BUILDING

	MATERIALS	COLOUR AND TEXTURE OR PROFILE
WALLS	<u>Bricks</u>	<u>Rendevred white</u>
ROOF COVERING	<u>tiles</u>	<u>Black</u>

PART III - ADDITIONAL INFORMATION REQUIRED ONLY IF THE LAND OR BUILDINGS ARE TO BE USED WHOLLY OR PARTLY FOR INDUSTRIAL OR COMMERCIAL USE

R THE NATURE OF THE PROPOSED INDUSTRY OR BUSINESS, INCLUDING, IF FOR INDUSTRIAL USE, A BRIEF DESCRIPTION OF THE TYPE OF PROCESSES TO BE CARRIED ON.

S THE TOTAL FLOOR AREA OF (a) NEW BUILDING OR EXTENSION (b) EXISTING BUILDINGS WITHIN SAME CURTLAGE

	INDUSTRY AND ASSOCIATED USES	OTHER USES (GIVE DETAILS)
(a)		
(b)		

T THE NUMBER OF PERSONS EMPLOYED AND TO BE EMPLOYED

	AT PRESENT EMPLOYED	TO BE EMPLOYED IN NEW BUILDING OR EXTENSION	TOTAL ON COMPLETION OF NEW BUILDING/EXTENSION
MALE			
FEMALE			

U NO. OF CAR PARKING SPACES WHICH WILL BE AVAILABLE WITHIN CURTLAGE

STAFF	VISITORS

V THE INTENDED PROVISIONS FOR LOADING AND UNLOADING OF VEHICLES

W IF FOR INDUSTRIAL USE, THE MEANS OF DISPOSAL OF ANY TRADE REFUSE OR TRADE EFFLUENTS

- NOTES**
- THREE COPIES OF THIS FORM AND FOUR SETS OF PLANS TO BE COMPLETED AND DEPOSITED WITH THE LOCAL RURAL DISTRICT, URBAN DISTRICT OR BOROUGH COUNCIL.
 - FOR GUIDANCE IN COMPLETING THIS FORM SEE NOTES (FORM P.119)
 - ATTENTION IS DRAWN TO NOTE 3 OF FORM P.119 REGARDING THE SUBMISSION OF ACCURATE PLANS.
 - ALL RELEVANT SECTIONS OF THIS FORM MUST BE COMPLETED. INCOMPLETE FORMS WILL BE RETURNED AND CONSIDERATION OF THE APPLICATION WILL BE DELAYED.

EAST SUFFOLK COUNTY COUNCIL
COUNTY PLANNING DEPARTMENT

12117

PROPOSAL

BATHROOM & KITCHEN EXTENSION

91

SITUATION 3 BRIDGE ROAD, REYDON.

LAYOUT NO.

1/1250 MAP NO. NORTH SOUTH 1/2500 MAP NO. 45C 6" MAP NO. XXIX S.D. (45)

APPLICANT MR. L.H. ROFFE, ARCHITECT OR AGENT
ADDRESS CEMETERY LODGE, ADDRESS
146 MERSEA ROAD, COLCHESTER.

RECEIVED BY LOCAL AUTHORITY 15.2.74. (113/74) 15.2.74.
RECEIVED BY C. P. O. 19.2.74. ACK
PLOTTED ON RECORD MAP 19-2-74 BY

Noted

DATE OF COMMITTEE

LOCAL AUTHORITY
LOTHINGLAND

PARISH
REYDON

APPLICATION NO.
12117

CONSULTATIONS

LOCAL AUTHORITY

PANEL OF ARCHITECTS

DEVELOPMENT PLAN

EXISTING USE

ACREAGE

Date
Sent Received

DECISION

COUNTY SURVEYOR
MIN. OF AGRICULTURE
AIR MINISTRY
DEPT. OF ENVIRONMENT
RIVER BOARD
CHIEF EDUCATION OFFICER
BOARD OF TRADE (I.D.C.)
COUNTY WATER ENGINEER
PARISH COUNCIL
MINISTRY OF TRANSPORT
ADVERTISED

FORM B
Description of Site
Effect of Development on:-
(a) amenity
(b) road safety
(c) agriculture
(d) public services
(e) development plan
Discussions with applicant and dates

NOTES

RECOMMENDATION

ALTERNATIVE SITE

BUILDING COMMENCED

BUILDING COMPLETED

Deep shade on main
bedroom 10am



The light survey looked at summer
light/shade, so is misleading. This
photograph was taken last Thursday 4th
January and the shade impact is clearly
unacceptable.

Deep shade on main
bedroom 10am



Balcony window has full
view into garden

A semi-mature tree has been planted
to mitigate the stark intrusion on
privacy.



Current view from my bedroom window demonstrating the intrusive and over-bearing nature of the extension.

Previously there was a clear view across to St. Edmunds Church in Southwold. The room is now in deep shade from about 9.30 a.m., during the winter months.

application to seek to regularise what has been constructed without planning permission or the council will need to consider whether or not it is expedient to take enforcement action.

I have reviewed the previous delegated report in respect of the original application which is obviously a very highly relevant material consideration. In the overall assessment the officer stated as follows;

"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. Consequently, therefore it is considered this narrower form makes the slight increase in depth acceptable and avoids the extension appearing too large or bulky."

That clearly establishes that the parameters within which any alternative application has to be assessed and the fact that the extension would only protrude by half a metre was clearly one of the reasons why the original proposal was considered acceptable. As has been established the as built extension protrudes some three times further than that which was approved.

The case officer went on to further state that

"There was some sympathy with the concerns of the neighbour to the south at the size of the first floor window openings, which consisted of French doors and full length side lights. The applicants have submitted amended plans reducing the width of the opening to a pair of glazed doors only which has also reduced the width of the Juliet balcony. This it is considered lessens intrusiveness of the first floor window to the neighbour, and taking into account the presence of the existing rear window, from which there is a degree of overlooking, it is not considered a refusal of planning permission could be substantiated on the grounds of loss of privacy."

Once again the length of the proposed extension and its effect on privacy was at the forefront of the decision maker's mind. An extension that protrudes some three times further will significantly increase the potential for overlooking and invasion of my client's privacy to the extent that such a proposal would clearly not have been approved had that been originally proposed. The fact that the applicants have chosen to press ahead with construction is not a relevant consideration and the work was clearly undertaken at their own risk.

In the case of *DLA Delivery Ltd v Baroness Cumberledge of Newick, Patrick Cumberledge & Secretary of State for Communities and Local Government* [2018] EWCA Civ 1305 the Court of Appeal confirmed that previous decisions of the secretary of state or his inspectors were capable of being material considerations. The Court of Appeal went on to say that a decision maker had a general obligation to take reasonable steps to acquaint himself with the relevant information to enable him to decide relevant questions correctly. Finally, the Court of Appeal said that because consistency in planning decision making was important, there would be cases in which it would be unreasonable for the secretary of state not to have regard to a previous appeal decision bearing on the issues on the appeal.

Thus, in assessing the effect of the current proposal and whether or not to take action the Council is under a duty to fully take on board the previous conclusions it has reached and in doing so it can only conclude that what has been constructed is not suitable because of the impact it will have both on overlooking and the privacy of my client's property. The extension must therefore be reduced to the original proposed dimensions which inevitably leads to a conclusion that enforcement action will need to be pursued in the event that the applicant refuses to remedy the matter voluntarily.



Can you please acknowledge receipt of this email by return and confirm that the application will be invalidated. Can you also please confirm that enforcement action will now be pursued.

My client reserves the right to take further steps including judicial review if the matter is not dealt with appropriately.

Bob McGeady Consultant
t: 01806 533242 m: 07714 281254

The Long Barn Fornham Business Court, Bury St. Edmunds, Suffolk, IP31 1SL
Bury St Edmunds | Cambridge | Diss | Ipswich | Norwich | Leeds