



## Committee Report

**Planning Committee South – 23 April 2024**

**Application no** DC/23/4469/VOC

**Location**

32 Thoroughfare  
Woodbridge  
Suffolk  
IP12 1AQ

**Expiry date** 16 January 2024

**Application type** Variation of Conditions

**Applicant** Mr & Mrs Groen Groen

**Parish** Woodbridge

**Proposal** Variation of Condition No. 2; 8 and 12 of DC/20/2417/FUL - Demolition of existing dwelling and associated garage structure. Erection of replacement dwelling - To substitute amended plans to respond to elevational changes; remove leisure restriction on roof terrace and amend timeframe for implementation of landscaping.

**Case Officer** Danielle Miller  
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### 1. Summary

- 1.1. This application was heard at Planning Committee South on 27 February 2024, where Members deferred the application to carry out a site visit to view the situation as built. This site visit will take place on 23 April 2024 at 10.30 and the application will be presented to Planning Committee South following that visit on 23 April.
- 1.2. The site is located at 32 Thoroughfare, Woodbridge and currently comprises a newly built two-storey detached dwelling approved under DC/20/2417/FUL.
- 1.3. This is a retrospective application seeking to retain the dwelling as constructed and rectify the breaches of conditions 2, 8 and 12 where the approved building has not been built in accordance with the approved plans. The changes shown are minor and relate to changes to fenestration and other minor design alterations such as the change in a side wall profile. The proposals also seek to retain a glazed balustrade around the flat roof section and use

this space as a leisure terrace area, effectively seeking the removal of condition 8 of the host application which currently prohibits this. Other changes include the change in time frame for the implementation of the landscaping scheme as set out in the existing condition 12.

- 1.4. In accordance with the scheme of delegation, the application is to be determined at Planning Committee South having been referred by the Referral Panel. The application was heard at the Referral Panel on 23<sup>rd</sup> January 2024, as Woodbridge Town Council raised the following objection:

*WTC were satisfied with the conditions imposed on the original planning application (DC/20/2417/FUL), and therefore recommend refusal of this VOC application.*

- 1.5. No other statutory consultees have raised any concerns. Officers note the objection from the neighbouring property with regards to loss of amenity, and the previous refusals on this site, however having visited the site and seen the situation as built it is confirmed that there is minimal overlooking into the neighbour's garden.
- 1.6. Officers consider that the proposals accord with local and national policies in the relation to design and amenity.
- 1.7. The application is recommended for approval subject to conditions.

## **2. Site Description**

- 2.1. The site is located at 32 Thoroughfare in Woodbridge and currently comprises a newly built two-storey detached dwelling (approved under DC/20/2417/FUL). Located within the Settlement Boundary of Woodbridge, the site has an overall area of approximately 340 square metres. It is situated within the Woodbridge Conservation Area on the boundary between Character Area 9 (Thoroughfare) and Character Area 6 (Quay Side).
- 2.2. There are further residential properties due west, accessed via Doric Place, and south in Brook Street. To the east is the Jacob Way car park and service yard access to the retail units on The Thoroughfare.
- 2.3. Recent and relevant planning history on the site includes the following:
- DC/19/1676/FUL: Demolition of existing dwelling & associated garage structure - construction of replacement dwelling – Refused.
  - DC/20/0952/FUL: Demolition of existing dwelling and associated garage structure. Construction of replacement dwelling – Refused.
  - APP/X3540/W/20/3256680: Dismissed.
  - DC/20/2417/FUL: Demolition of existing dwelling and associated garage structure. Erection of replacement dwelling. Permitted.
  - DC/23/0763/AME: Non-material amendment of DC/20/2417/FUL (Demolition of existing dwelling & associated garage structure. Erection of replacement dwelling) - Doors on south east elevation to be four sections instead of two with solid triangle above instead of glass; raise sedum roof beyond openings and glass barrier; non opening window on southwest elevation to be in two sections instead of one; and south west elevation rear garden wall to be straight instead of slight step. Refused.

### **3. Proposal**

3.1. This is a retrospective application seeking to retain the dwelling as constructed and rectify the breaches of condition where the approved building has not been built in accordance with the approved plans. The supporting statement notes the amendments as follows:

- External northern wall is flush whereas the approved plans show it as stepping up;
- The window elevation of the first floor on the rear (southern) elevation has a solid element rather than all glazed;
- Inclusion of glass balustrade surrounding the sedum roof;
- Inclusion of supporting pole to the sedum roof;
- Minor alterations on the front (northern) windows; and
- Ground floor and first floor courtyard (southern) windows are slightly different.

3.2. The application also seeks the removal of condition 8 on DC/20/2417/FUL, which states:

"Notwithstanding the provisions of Article 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting the said Order), the sedum/green roofs of the hereby approved development, shall not be used as a recreational area, unless otherwise agreed in writing with the local planning authority.

Reason: To enable the local planning authority to retain control, in the interest of preserving a reasonable level of amenity and prevent possible loss of privacy to the neighbouring properties."

3.3. In addition to the above, the approved landscaping under DC/20/2417/FUL has not currently been carried out; as such this application also seeks to vary condition 12 to extend the time period in which this is required to be undertaken in. Condition 12 states:

"The approved landscaping scheme under Condition 11 shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity."

### **4. Consultations/comments**

#### **Third Party Representations**

4.1. Four letters of objection have been received, all from the 6 Doric Place Woodbridge, and letters of support have been received from 1 Grundisburgh Road, Woodbridge and Cowlshaw Cottage, Melton. Following the re-consultation five further letters of objection were received from 6 Doric Place. One rebuttal letter has also been received from the applicants.

4.2. The letter of objection notes that there are several breaches of condition relating to the host consent (DC/20/2417/FUL); these include the building not being built in accordance

with the approved plans, the use of the flat roof as a leisure balcony area, and the lack of boundary planting in accordance with conditions 11 and 12.

- 4.3. The objector comments that their amenity is affected by the breaches; the flat roof is noted as being 7 metres away from 6 Doric Place’s first floor bathroom window; and with the bifold doors open there is an unacceptable level of noise from the living arrangements of the host dwelling. The flat roof terrace is noted to overlook the neighbour’s garden space if used an amenity area. The representation states that:
- This flat roof terrace intimately overlooks from the height of the first floor into almost the whole of 6 Doric Place’s garden and sitting area.
  - The use of the terrace is considered to cause a loss of property value to the neighbouring property.
  - Improper handling of application by submission of a Non Material Amendment.
  - Confirmation that the rear windows on 6 Doric Place are not blocked up. Loss of light into these windows has occurred as a result of the development.
  - Photograph of garden is out of date.
  - The objection notes that the use of the terrace was refused by appeal DC/20/0952/FUL.
- 4.4. One additional letter of objection has been received from 6 Doric Place; this letter outlines disputes between the objector and applicant and accuracy of comments. The letter raises concern regarding noise transmission from the first-floor flat roof and notes that the distance between the flat roof and their bathroom window is 4.2m and creates overlooking into the bathroom and garden. The letter reiterates the appeal decision and the Town Council’s comments.
- 4.5. The letters of support do not give any additional comments or reason.
- 4.6. The rebuttal letter notes historic conflict with a neighbouring property much of which falls outside the planning system.

**Parish/Town Council**

Consultee	Date consulted	Date reply received
Woodbridge Town Council	30 November 2023	8 December 2023
Summary of comments: WTC were satisfied with the conditions imposed on the original planning application (DC/20/2417/FUL), and therefore recommend refusal of this VOC application.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Highways Department	30 November 2023	12 December 2023
Summary of comments: Condition 2 of Planning Ref. DC/20/2417/FUL - We do not wish to restrict the variation of		

this condition.

### Non statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	30 November 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	30 November 2023	5 December 2023
Summary of comments: Comments included within officer report. No objection.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	30 November 2023	13 December 2023
Summary of comments: The VOC has no relevance to the EP department; therefore I have no comments to make.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	30 November 2023	6 December 2023
Summary of comments: On behalf of the Suffolk Fire and Rescue Service I can confirm that I have read condition 2 and find that I have no comment to make on the application		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	4 January 2024	10 January 2024
Summary of comments: The change in application description does not affect my previously submitted comments on this application.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	4 January 2024	No response
Summary of comments: No additional comments received.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	4 January 2024	9 January 2024
Summary of comments: On behalf of the Suffolk Fire and Rescue Service I can confirm that I have read conditions and find that I have no additional comment to make on the application.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	4 January 2024	No response
Summary of comments: No additional comments		

Consultee	Date consulted	Date reply received
SCC Highways Department	4 January 2024	8 January 2024
Summary of comments: I see the other conditions do not relate to Highways; therefore, I do not have any further comments to make on this application.		

Consultee	Date consulted	Date reply received
Woodbridge Town Council	4 January 2024	12 January 2024
Summary of comments: WTC were satisfied with the conditions imposed on the original planning application (DC/20/2417/FUL), and therefore recommend refusal of this VOC application.		

## Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	7 December 2023	2 January 2024	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: Conservation Area

Date posted: 5 December 2023

Expiry date: 28 December 2023

### 5. Planning policy

- 5.1. The National Planning Policy Framework (2023) (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant.
- 5.2. Development plan policies are material to an application for planning permission, and a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, the development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan [adopted 23 September 2020] (“local plan”). Relevant policies from the local plan are listed in the section below and will be considered in the assessment to follow:
  - SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
  - SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
  - SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

### 6. Planning Considerations

- 6.1. The main considerations in relation to the amendments proposed in this VOC are that of design and amenity.

#### Design and Conservation

- 6.2. No.32 Throughfare falls within the Woodbridge Conservation Area. The application seeks retrospective consent for changes to the approved design that have already been carried out as part of the completed build.
- 6.3. The changes made to the design as built and as illustrated in the submission document and drawing are minor in their impact and have no adverse effect on the positive contribution that the completed design makes to the character and appearance of the Woodbridge Conservation Area. The changes remain within the nature of the consented scheme and make no fundamental alteration to the design concept or approach; they are a matter of detail only. The subdivision of the gable glazing at first floor level has been judged by officers to be an improvement over that consented.
- 6.4. The changes proposed will preserve and enhance the character and appearance of the Woodbridge Conservation Area in accordance with local policies SCLP11.1 Design and SCLP11.5 Conservation Areas.

## Residential Amenity

- 6.5. Policy SCLP11.2 sets out the material considerations relating to residential amenity as: privacy/overlooking, outlook, access to daylight and sunlight, noise and disturbance, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution, and safety and security.
- 6.6. The previous concern regarding this development has been in terms of amenity, where there was a perceived impact of overlooking and loss of privacy to 6 Doric Place. The objector comments that this is now actual overlooking, particularly when considering the view into their first floor bathroom and rear garden. Furthermore, there is a concern over excess noise from this area if used as private amenity space.
- 6.7. The window noted by the objector does not serve a habitable room; the changes proposed to the fenestration and the use of the terrace does not present any additional overlooking to that already accepted by the approved consent to key rooms of the neighbouring property. The issues with noise are not considered detrimental, the property lies adjacent a public realm, with a car part to the east and pedestrian route through to the Thoroughfare. This is a private dwelling within a town centre location.
- 6.8. Concern has been raised over the openable use of the windows on the rear elevation. It is acknowledged that the style of these windows have been changed, however, there was not a requirement on the original consent to have these rear windows fixed shut. Any opening to this window would allow for some transmission of sound between properties. This is also true for the adjoining car park and public footpath which runs along the length of this dwelling. It is not considered that the use of this terrace will create an unacceptable increase in noise; the Environmental Protection team have not objected on this basis, and this was not mentioned within the original reason for refusal or appeal decision.
- 6.9. The main concern with regards to the balustrade and use of the roof terrace remains that of potential overlooking of the rear garden space of 6 Doric Place. Officers have stood at the corner of that area at first floor level and confirm that views into this rear garden are limited and do not severely impact the private enjoyment of the neighbouring garden. This will be further minimised once the planting scheme has been implemented.
- 6.10. Consideration has been taken of the appeal decision which notes under paragraphs 5, 6 and 7:

*“The proposed dwelling would have a first floor terrace which would be opposite the rear elevation of 6 Doric Place. The rear elevation of no 6 has a number of windows facing onto the appeal site, the ground floor windows are either obscure glazed or high level and this would mitigate any potential overlooking from the first floor terrace.*

*At first floor there is a bathroom window which provides views directly over the appeal site, and despite serving a bathroom the window is not obscure glazed. As a result of the proximity of the first floor terrace to the bathroom window I consider that there would be a degree of overlooking from the terrace into the bathroom window. However, given the use of this room any effect of the proposed development on this window would not materially harm the living conditions of the occupiers, as it is not a habitable room.*



*There would also be a degree of overlooking from the first floor terrace into the modest courtyard garden of 6 Doric Place. I have had regard to the plan submitted which shows the proposed sight lines from the dwelling and terrace. The plans indicate that the area directly outside the conservatory would not be overlooked, and that this is the main seating area. But as part of my visit, I observed that the occupiers also have a further small seating area to the rear of the site. Given its modest size it is reasonable that the occupiers of no 6 would wish to utilise all of the available space within their garden and any degree of overlooking would be both obtrusive and harmful to the amenity of the occupiers.”*

- 6.11. At the time of the appeal the dwelling was not built and as such it would not have been possible to view this area of garden from the terrace. Now that the dwelling has been constructed, it is possible to appreciate the situation on the ground. Currently there is planting within the garden space of 6 Doric Place which, along with the garden boundary treatment, restricts the views into the rear seating area. The approved landscaping scheme does include mature ligustrum japonicum in planters along the rear boundary of the application site; these can grow between 2 – 5metres in height and have an evergreen shrub. This is considered, once planted, to further mitigate any viewpoints into this area. However, the actual view is limited into this space from the terrace area. Officers do not consider that allowing the use of this terrace as private leisure space would intrude detrimentally on the amenity of 6 Doric Place.
- 6.12. A landscaping scheme has been submitted and approved under DC/20/4119/DRC. Whilst condition 12 required the landscaping to take place within the first planting season, the development was not completed at that time. It is recommended that condition 12 is extended to allow for an appropriate timeframe for the landscaping to be actioned within.

#### Other Matters

- 6.13. The third-party objector notes that there have been previous concerns over this site with regards to advice provided. A non-material amendment application (DC/23/0763/AME) was submitted for similar changes to those proposed under this variation of condition application, however, that application was refused for the following reason:
- “The proposal seeks to make a number of non-material amendments to DC/20/2417/FUL, which permitted the demolition of the existing dwelling and erection of a replacement dwelling at 32 Thoroughfare, Woodbridge, Suffolk, IP12 1AQ. Overall, the cumulative changes to numerous design details not only dilutes the design quality of the scheme but results in alterations that cannot be considered as 'minor'. More specifically, the relationship between the area of glazing and sedum roof, including the installation of a glazed barrier around its perimeter, will open up the area for use as an outside amenity space contrary to that of Condition 8, which was clear in restricting such use. Consequently, any use of roof space for amenity purposes will result in an unacceptable harm to the living conditions of 6 Doric Place with regard to privacy and would fail to accord with policy SCLP11.2 of the local plan that seeks to safeguard the amenity of adjoining residents.”*
- 6.14. This current application was the correct procedure for the changes proposed and this application is considered to have been adequately consulted upon.

## **7. Conclusion**

- 7.1. The changes proposed are considered to be appropriate in terms of design and the impact on the conservation area as agreed with the Design and Heritage Officer.
- 7.2. Matters relating to amenity issues have been considered and reviewed. Officers saw no significant overlooking when stood on the balcony; whilst previous decisions have found that the terrace's use as private amenity space would have a negative impact on amenity, this was considered prior to the construction of the property. Officers now have the ability to see the actual impact and have found no reason for refusal on amenity grounds.
- 7.3. Officers consider that the application meets both local and national policy as such recommend approval subject to controlling conditions.

## **8. Recommendation**

- 8.1. Approve subject to the conditions below.

### **Conditions:**

1. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:

- Location plan (Drawing number: 01-382) - received 21.11.2023
- Proposed elevations (Drawing number: 15-REV S) - received 21.11.2023
- Project Proposal - received 21.11.2023

Drawings previously approved under DC/20/2417/FUL:

- Proposed roof block plan (Drawing number: 16-382 Rev. F) - received 01 July 2020
- Proposed site plan (Drawing number: 17 Rev. I) - received 01 July 2020
- Proposed plans (Drawing number: 13-382 Rev. O) - received 01 July 2020
- Proposed plans detailed (Drawing number: 14-382 Rev. J) - received 01 July 2020

Drawings previously approved DC/20/4119/DRC:

- Cycle storage 1 and 2 received 15.10.2020
- Landscape works received 15.10.2020

Reason: For 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 by the local planning authority.

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

3. The area(s) within the site shown on drawing number 17-382 Rev I for the purposes of manoeuvring and parking of vehicles shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. In the event that contamination which has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. Unless agreed in writing by the local planning authority no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. Where remediation is necessary a detailed remediation method statement must be prepared, and is subject to the approval in writing of the local planning authority. The remediation method statement must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved remediation method statement must be carried out in its entirety and the local planning authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

5. The details permitted under DC/20/4119/DRC shall be retained thereafter and used for no other purpose.

Reason: To promote the use of sustainable travelling alternatives.

6. The approved landscaping scheme under DC/20/4119/DRC shall be implemented not later than the third planting season following Occupation of the approved dwelling and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity

7. The details of measures to enhance the biodiversity value of the site, as detailed in the submitted Design and Access Statement, and approved under application DC/20/3336/DRC shall be carried out in their entirety within one year of the date of this consent.

Reason: To safeguard biodiversity and protected species in accordance with Policy SP14 and Policy DM27 of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2019).

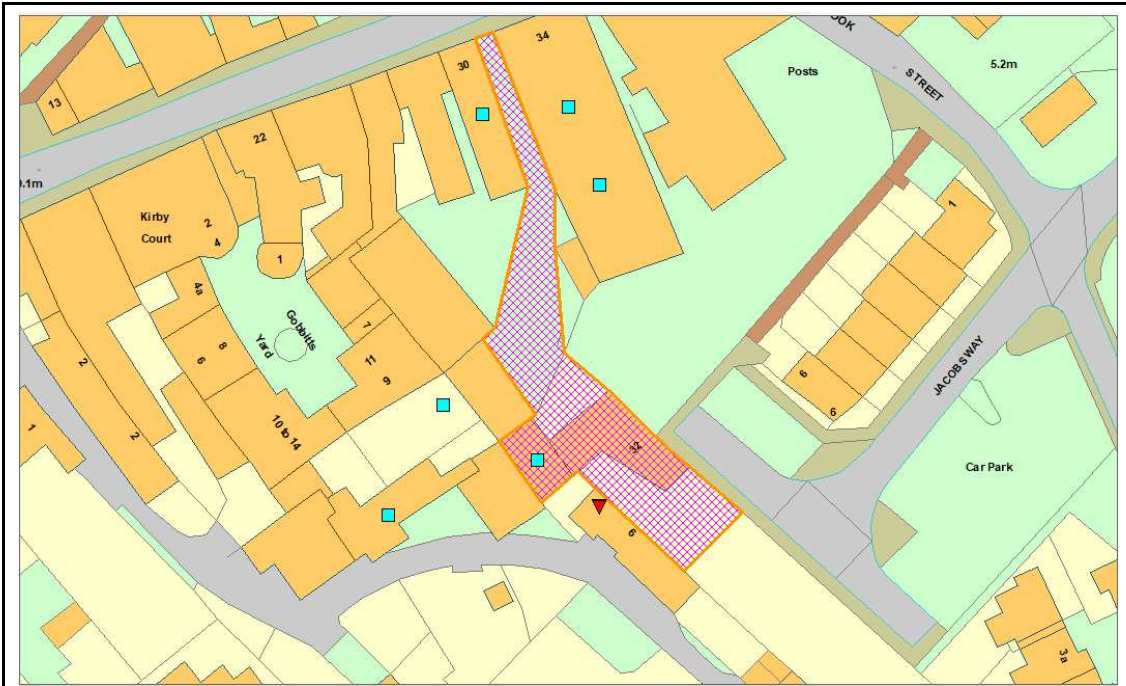
**Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

**Background information**

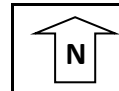
See application reference DC/23/4469/VOC on [Public Access](#)

# Map



**DO NOT SCALE** AC0000814647

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## Key



Notified, no comments received



Objection



Representation



Support