



## Committee Report

**Planning Committee North - 11 July 2023**

**Application no DC/23/1488/FUL**

**Location**

Wilmar  
Market Lane  
Blundeston  
Lowestoft  
Suffolk  
NR32 5AW

**Expiry date** 7 June 2023

**Application type** Full Application

**Applicant** Mr C Francis

**Parish** Blundeston

**Proposal** First floor glass balustrade

**Case Officer** Matthew Gee  
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### 1. Summary

- 1.1. Planning permission is sought for the installation of a first floor glass balustrade to the front elevation, to allow use of part of the front flat roof element of the dwelling as a balcony.
- 1.2. The proposal is not deemed to result in any adverse impacts upon the character, design or scale of the host dwelling, nor the character and appearance of the street scene. Furthermore, with the proposed screening, the use of the balcony would not introduce any additional overlooking opportunities, and overcomes the concerns raised on applications previously refused.
- 1.3. The application is therefore considered to accord with the East Suffolk (Waveney) Local Plan and the NPPF, and as such it is recommended that planning permission be granted.

- 1.4. The former Chairman, Cllr Ashdown, requested in May 2023 (prior to the elections) that the application be referred to committee, due to impacts arising from the proposal and the public interest in the site. The Chairman of each Committee has authority in the Constitution to refer applications direct to the relevant Committee for determination where they deem the application is of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect.

## 2. Site Description

- 2.1. Wilmar is located within the village Settlement Boundary of Blundeston and comprises a two storey contemporary designed dwelling, with two storey traditional properties on either side. The site faces south towards Market Lane and is not in a conservation area or any other planning designation of note.

## 3. Proposal

- 3.1. Planning permission is sought for the installation of a first floor glass balustrade to the front elevation, to allow use of part of the front flat roof element of the dwelling as a balcony. On the western side, the balustrade would be 1.7 metres in height, obscure glazed.

## 4. Consultations

### Third Party Representations

- 4.1. One representation of objection has been received raising the following:
- Previous refusals of similar schemes
  - Impact from overlooking
  - Contrived design

### Ward Member (Cllr Ashdown)

- 4.2. *"I fully support Mrs Alderton's objections to both of these applications they out of character for the village and these are overdevelopment of the site and will also give intrusion over private amenity space. Should officer recommendation be approval then I request this to be taken to committee for decision."*

### Parish/Town Council

Consultee	Date consulted	Date reply received
Blundeston And Flixton Parish Council	19 April 2023	9 May 2023
<i>"Refused by all Parish Councillors due to over development"</i>		

## 5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 21 April 2023

Expiry date: 16 May 2023

## 6. Planning policy

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

National Planning Policy Framework 2021 (NPPF)

## 7. Planning Considerations

### Planning History

- 7.1. DC/14/1119/FUL - Construct replacement dwelling - Approved 30 June 2014
- 7.2. DC/16/1148/FUL - Construction of a replacement house - Refused 1 June 2016
- 7.3. DC/20/2964/FUL - Safety escape staircase at rear of property - Refused 5 February 2021
- 7.4. DC/21/1716/FUL - Proposed external stair and creation of first floor balcony, along with associated balustrade and privacy screening - Refused 7 June 2021
- 7.5. DC/21/1716/FUL was refused for the following reason:

*"The proposed staircase would be located in close proximity to the western site boundary, and is considered to give rise to potential overlooking of neighbouring private amenity areas, harming the enjoyment of Philcot. It is not considered that the proposed addition of a 1.8m frosted glass screen would sufficiently limit the overlooking from occurring as the screen would mostly be separate from the staircase rather than fully enclosing it and so it would still be possible to have a clear view down towards the north and west from the staircase. Furthermore, it is deemed that insufficient evidence and justification has been supplied to detail the need for emergency escape on a new build, Building Regulations compliant, dwelling. Both the staircase and tall screen would be detrimental to the streetscene, adversely affecting visual amenity.*

*The proposal would cause harm to the living conditions of adjacent property and is a form of development contrary to the NPPF, and East Suffolk Council - Waveney Local Plan (March 2019) Policy WLP8.29 (Design) which seeks, amongst other things, to safeguard the amenity of neighbouring residents through good design."*

- 7.6. The proposed application has sought to remove the proposed fire escape from the scheme and whilst the tall screen remains it has been reduced from 1.8m to 1.7m. The tall screen will run along the small north side of the balcony and along the western side.
- 7.7. DC/21/1716/FUL was appealed with the Planning Inspector raising no concerns in regards to the impact of the proposal on the street scene; however, they did conclude that the proposed spiral staircase would introduce overlooking that would harm the amenity of

adjacent neighbours, and therefore dismissed the appeal on that basis. The proposed application seeks to follow the Inspector's decision by removing the element (spiral stair) that was deemed to harm amenity.

### Design

- 7.8. The proposal includes the introduction of a 0.95m uninterrupted glazed balustrade atop the existing parapet along the southern and western sides of the flat roof element, with a 1.3m high obscured glazed balustrade installation atop the existing 0.4m parapet on the north and east elevations. Whilst the proposal would result in an unexpected feature within the street scene, the balustrade would be largely glazed and therefore the impact would be somewhat mitigated. The frosted glass sections will be more visible than the glazed element, albeit views of this from the west would be largely screen by the existing development. The impact is further mitigated by the existing design of the dwelling, which itself is an unusual, contemporary addition within the street scene and the introduction of a balustrade as shown is not considered to significantly impact upon the design of the dwelling. Nor would it cause harm to the street scene. Therefore, whilst the proposal to create a front balcony will result in a somewhat unusual feature, it is not considered that permission could be refused solely on those grounds. The position of the balcony also seems logical for future occupiers in that will allow views south. It is also noted that the planning inspector for the previous appeal raised no concerns regarding the impact of the balustrade on the street scene, and the design of that elements remains similar to before. For these reasons, officers considered that the proposal is acceptable in design terms in accordance with policy WLP8.29 (Design).

### Amenity

- 7.9. The inspector dismissed the previous appeal mainly because the-then-proposed spiral staircase would introduce additional overlooking that would harm the amenity of neighbouring residents. This proposal has removed the spiral staircase element entirely, and now includes a 1.7m (measured from roof level) screen alongside northern and western elements of the proposed balcony. The balcony also excludes a section of flat roof that extends down the side of the dwelling facing towards 'Philcot'. The screens are considered to restrict overlooking opportunities to the north and west, and as such would preserve the amenity of 'Philcot' and other dwellings to the west. Views to the east would be screened by the large projecting element of the dwelling, and as such views would mainly be focused south across Market Lane and open fields. The nearest dwelling to the south is a row of cottages to the south-west, at a distance of approximately 45m, which is considered sufficient to avoid any direct overlooking opportunities. It is therefore concluded that the proposal would have no adverse impacts on amenity, and as such there is no material reason to recommend refusal on amenity grounds. The proposal accords with WLP8.29 (Design).

## **8. Conclusion**

- 8.1 In conclusion, the principle and detail of the development is acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

## **9. Recommendation**

9.1 Approve with conditions set out below.

## **10. Conditions:**

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with RS/4878/23/04 and RS/4878/23/03 received 12/04/2023, 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.

3. Prior to the first use of the balcony as shown demarcated by 'proposed glass balustrade' on drawing RS/4878/23/04, hereby permitted, the 1.3m high balustrades (1.7m as measured from roof/floor level), shall be installed on the north(rear) and west (side) elevations in the areas shown on approved drawing RS/4878/23/04. These high level balustrades/screens shall be obscure glazed to minimum of level 3, and shall thereafter be retained in the approved form and location along the north (rear) and west (side) elevations of the approved balcony area.

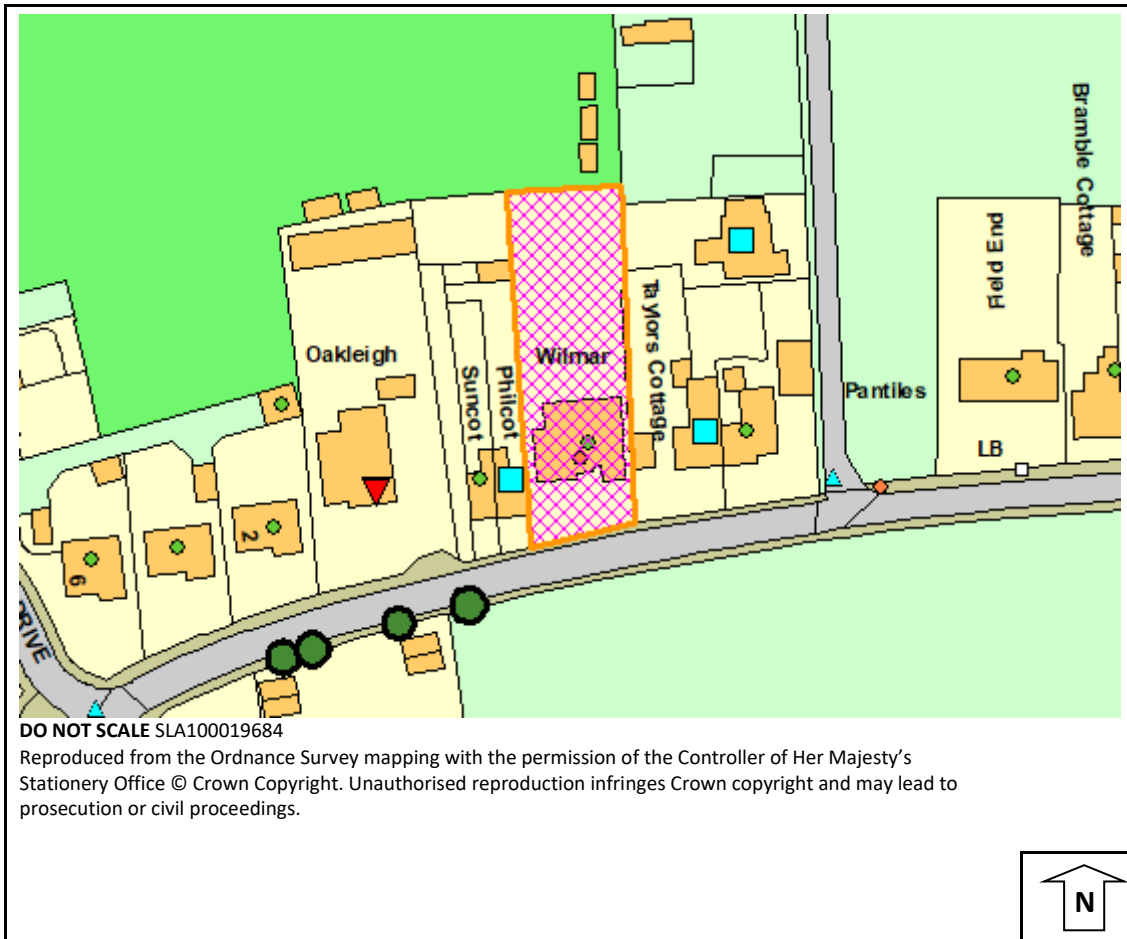
For the avoidance of doubt, this permission does not permit the use of the flat roof area to the north of the demarcated by proposed glass balustrade' on drawing RS/4878/23/04, as a balcony.

Reason: To protect the amenity of neighbouring residents.





## **Background information**

See application reference DC/23/1488/FUL on [Public Access](#)

# Map



## Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support