



Committee Report

Planning Committee North – 13th February 2024

Application no DC/23/4456/FUL

Location

Briar Cottage
The Green
Walberswick
Southwold
Suffolk
IP18 6TT

Expiry date 18 January 2024

Application type Full Application

Applicant Rebecca Lewis

Parish Walberswick

Proposal Installation of double glazing. Removal and replacement of existing shed in rear garden. Removal of existing conservatory. Removal and replacement of oil tank.

Case Officer Fabian Danielsson

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1. Summary

- 1.1. This application seeks planning permission for replacement windows, the removal of an existing shed and the replacement of the same in the rear garden, the removal of an existing conservatory, and the removal and replacement of an oil tank at Briar Cottage (and formerly Ash Cottage), The Green in Walberswick. The application site is located within the Walberswick Conservation Area and the Suffolk and Essex Coast and Heaths National Landscape. The proposals relate to changes to the property involving Briar and Ash Cottages being converted from two dwellings into one dwelling but this change does not require planning permission.
- 1.2. Walberswick Parish Council object due to the following summarised reasons (included in full below):

It is the view of the Parish Council that the amalgamation of Briar and Ash Cottages is not permitted development, given the material changes that result, ie potential use of the new dwelling and associated parking deficiencies.

The physical alterations are generally acceptable, except the introduction of the bike shed on the front elevation.

Parking standards for a house with more than 4 bedrooms would require at least 3 parking spaces. No parking spaces are shown on the plans. A garage is being lost from the property to form a gym, and there is already limited local parking in that area.

The precise style and specifications of new replacement windows should be conditioned for approval before installation.

In consideration of the potential detrimental effects of the amalgamation of the two cottages on the Conservation Area; immediate locality and wider village it is the Parish Council's opinion that the application should be refused.

- 1.3. The objections from the Parish Council were contrary to the officer's 'minded-to' recommendation of approval, therefore the Planning Referral Process was triggered. The application was presented to the Referral Panel on 30th January 2024 with a recommendation that the decision be delegated to the Head of Planning and Coastal Management. At this meeting, Members of the Referral Panel concluded that the issues within and surrounding the application should be debated further by Planning Committee.

2. Site Description

- 2.1. The application property, formerly two neighbouring semi-detached properties under the names of Briar Cottage and Ash Cottage, consists of two adjoined cottages of late 19th to early 20th century date, facing onto The Green within the Walberswick Conservation Area. A small, enclosed garden sits in front of the property, while to the south runs a gravelled drive belonging to the neighbouring property. To the northern side and to the rear is an enclosed garden of a modest size. Neighbouring properties are varied, including detached, semi-detached and terraced properties, with most being of some historic significance.

2.2. The application property is mentioned in the Walberswick Conservation Area Appraisal as making a positive contribution to the character of the conservation area and is described thus:

"Late nineteenth / early twentieth century pair of cottages. Rendered elevations with weather boarded gable. Projecting eaves with red clay pan tile roof. Good, simple vernacular detailing, particularly to the open porch area of Briar Cottage."

2.3. The property is also located within the Suffolk and Essex Coast and Heaths National Landscape.

3. Proposal

3.1. Planning permission is sought for replacement windows, the removal of an existing shed and the replacement of the same in the rear garden, the removal of an existing conservatory, and the removal and replacement of an oil tank.

4. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Walberswick Parish Council	28 November 2023	12 December 2023

Summary of comments:

Opinion

In consideration of the potential detrimental effects of the amalgamation of the two cottages on the Conservation Area; immediate locality and wider village it is the Parish Council's opinion that the application should be refused.

Parking standards for a house with more than 4 bedrooms would require at least 3 parking spaces. No parking spaces are shown on the plans. A garage is being lost from the property to form a gym, and there is already limited local parking in that area.

Description

Briar / Ash Cottages comprise a prominent pair of semi-detached houses on the north east corner of Walberswick village green as Leveretts Lane enters on to the green. They are within the Conservation Area. The proposal is described as: installation of double glazing; removal and replacement of existing shed in rear garden; removal of existing conservatory; removal and replacement of oil tank; and a new secure bike store.

Comment

The proposal as presented does two things:

- Amalgamate both cottages into one large dwelling.

The design and access statement suggests that East Suffolk have given an opinion that this amalgamation of two dwellings into one larger unit does not require planning permission.

This view is possibly misplaced. Permitted development allowances are unclear. The courts have held that where there are material changes that would affect the area then express permission for the change should be sought (RB Kensington and Chelsea 2016). There is clearly a shortage of

smaller units of accommodation in Walberswick, and this change would reduce that availability further. The cottages have in the past been rented by local people.

The change to one dwelling with seven bedrooms brings forward the prospect of large groups of people renting it for holiday lets / party house use, to the detriment of the village and the immediate local character.

- Undertake various small alterations and insert a number of new windows.

There are internal and external alterations. Two heating systems are to be made one with a new boiler location and new shed for it. An oil tank is to be removed from the front elevation and replaced with a bike shed. There are extensive new windows which are noted in the window schedule to be matching replacements, although it is not clear what exact style is being referred to amongst the catalogue details given. It will be important that precise types are approved before installation.

Whilst the relocation of the oil tank is welcomed, its replacement with a prominent bike shed on the front elevation neither preserves or enhances the Conservation Area. The boiler shed details are acceptable.

Summary

- It is the view of the Parish Council that the amalgamation of Briar and Ash Cottages is not permitted development, given the material changes that result, ie potential use of the new dwelling and associated parking deficiencies.
- The physical alterations are generally acceptable, except the introduction of the bike shed on the front elevation.
- The precise style and specifications of new replacement windows should be conditioned for approval before installation.
- In consideration of the potential detrimental effects of the amalgamation of the two cottages on the Conservation Area; immediate locality and wider village it is the Parish Council's opinion that the application should be refused.

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	28 November 2023	5 December 2023

Summary of comments:

We have looked at the proposal and in our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	28 November 2023	4 December 2023

Summary of comments:

No comment.

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	28 November 2023	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	28 November 2023	30 November 2023
Summary of comments: We have no comments to make regarding this application.		

Third Party Representations

No third-party comments have been received.

5. 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: 4 December 2023
Expiry date: 27 December 2023

6. Planning policy

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)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Walberswick Conservation Area Appraisal Supplementary Planning Document (December 2013 and updated January 2024)

7. Planning Considerations

Visual Amenity, Street Scene and Landscape

- 7.1. Policy SCLP11.1 sets out that proposed development should respond to local context and the form of surrounding buildings in relation to the overall scale and character of the development, that the layout should fit in well with the existing neighbourhood layout, that the height and massing of developments should be well related to their surroundings, that there should be clear relationships between buildings and spaces, and that high quality materials appropriate to the local context should be used.
- 7.2. Planning policy SCLP11.5 - Conservation Areas states that proposals for development within a conservation area should demonstrate an understanding of the significance of the conservation and the potential impact of the proposal, they should preserve or enhance the character of the conservation area, be of an appropriate design, scale, form, height, massing and position, retain important settlement form features, and that they should use high quality materials and methods of construction.
- 7.3. Planning policy SCLP11.3 - Historic Environment also states that any development, where possible, should make a positive contribution to the historic environment.
- 7.4. The current planning application concerns what formerly amounted to two separate properties, Briar Cottage and Ash Cottage, which are being amalgamated into a single property. Combining two residential properties into a single residential property does not constitute a change of use or development and therefore does not require planning permission. The Parish Council have argued that there is a precedent for planning permission being required in some cases, as has been seen in appeal decisions elsewhere in the country. While the Parish Council's comments regarding the undesirability of losing two smaller properties to form one larger property are valid, the Council does not consider that the amalgamation of one five-bedroom and one three-bedroom property into a single seven-bedroom property constitutes a material change of use and therefore it follows that it does not require planning permission. Any changes that occur as a result of this amalgamation therefore are not considered as part of the planning application, which specifically concerns the external changes to the property. Other cases elsewhere where it has been held that amalgamation requires planning permission appear to be in very urban locations such as London and involving conversions of multiple flats. It is well established across East Suffolk that amalgamation of two properties into one does not require planning permission and circumstances do not dictate that this should be approached differently. In any case, the planning application hereby considered is not asking for such a change and therefore it is not a judgement this determination can make, rather it would be for a future application or enforcement investigation if the Council did believe the position was different.
- 7.5. It is noted that the Parish Council raise concerns that the property could be rented out to a large group as holiday accommodation. The lawful use of the property, with the two cottages combined, would be C3 as a dwellinghouse. If the property were to be rented out to large groups of people or not occupied as a C3 dwellinghouse, planning permission may

be required for this if it was considered to be a very large 'party house' holiday let and the merits of any such application judged at that time.

- 7.6. The Parish Council have also raised concerns over the parking situation at the property. While it is acknowledged that the parking situation at the property should likely be seen as inadequate, the amalgamation of the two properties, which in any case does not form part of the current application, is likely to reduce the demand for parking at the property. One five-bedroom dwelling and one three-bedroom dwelling would, ideally have a total of five off-road parking spaces. The County Council's guidance for parking would require three spaces for a seven-bedroom property.
- 7.7. The proposal also shows the conversion of an existing garage into a home gym. It is unclear whether the garage is currently used for parking – the garage space measures 4.3 metres deep which does not conform to the recommended garage dimensions and is unlikely to be able to accommodate a modern sized car. Additionally, the internal conversion of a garage does not require planning permission and is therefore not considered as part of this application. There is therefore no potential reason for refusal of this proposal based on the lack of off-street parking.
- 7.8. In terms of the external changes, the Parish Council have also suggested that further details are required with respect to the replacement windows proposed. Sufficient details have been provided as part of the proposal to conclude that the replacement windows proposed will be of a similar appearance to the existing windows; the only new window proposed will be on the ground floor. Therefore, the window replacements proposed would qualify as permitted development, and there are no grounds to require further details for this aspect of the scheme.
- 7.9. Other external changes proposed include the removal of an existing conservatory, which is located to the rear of the property. There are no concerns about this aspect of the proposal. It is also proposed to demolish an existing garden shed and to replace this with a new shed in the same position. The new shed will be of a similar material to the existing shed, but with a simpler design and a mono-pitch roof instead of the current dual-pitch roof. The design of the shed is simple and unassuming, and will have less of a visual impact than the current shed. This aspect of the proposal is therefore acceptable.
- 7.10. The Parish Council have also objected to the construction of a bike shed in the former location of an oil tank to the front of the property. Concerns over the visual impact of this bike shed were shared by officers and following discussions with the agent, this has been removed from the scheme.
- 7.11. Based on the above considerations, the proposals are acceptable and in compliance with the relevant policies of the Local Plan.

Residential Amenity

- 7.12. Planning policy SCLP11.2 states that the council should consider the impact of any proposed development on privacy/overlooking, outlook, access to light, noise and disturbance, the physical relationship with other properties, light spillage, air quality or other pollution, and safety and security.

- 7.13. The main external changes relevant to neighbouring residential amenity are the removal of the existing conservatory and the replacement of the existing garden shed. Both of these changes are likely to improve neighbouring amenity, given that the potential access to light and privacy impacts of the conservatory are removed, and the replacement shed will be of a lower roof height than the existing shed and there are no new privacy impacts.
- 7.14. The replacement windows, which will be in the same location as the existing windows with the exception of one ground floor window, are not considered to have a negative impact on the residential amenity of neighbours.
- 7.15. Residential amenity impacts as a result of the proposed scheme are likely to be neutral to positive and are therefore acceptable.
- 7.16. For the reasons set out above the proposal is acceptable and planning permission can be granted (and it is possible to grant planning permission for development that also benefits from permitted development rights).

8. Conclusion

- 8.1. The proposals accord with the relevant national and local policies and guidance listed above and are therefore acceptable.
- 8.2. As the Parish Council have objected, the application was presented to the Planning Referral Panel, which decided that the case should be presented to Planning Committee North for determination.

9. Recommendation

- 9.1. Approve subject to conditions as detailed 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 carried out in all respects strictly in accordance with the following approved plans and documents for which permission is hereby granted:

- Drawing nos. SBDC:0921:ABC:008 and Window and Door Schedule received on 17 November 2023, SBDC:0921:ABC:007A received on 18 January 2024 and SBDC:0921:ABC:003F received on 19 January 2024.

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

3. 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

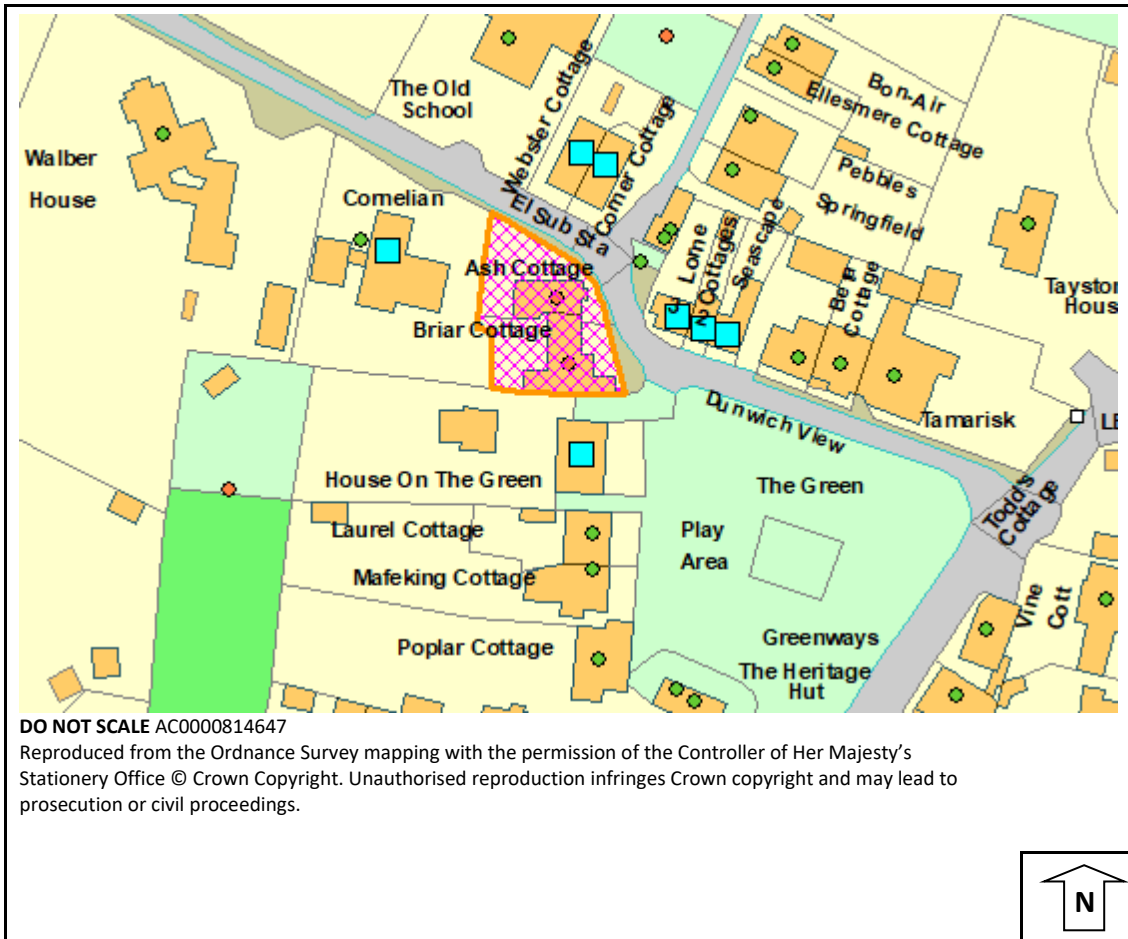
Informatives:

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/23/4456/FUL on [Public Access](#)

Map



Key

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