



Appeal Decision

Site visit made on 11 August 2020

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2020

Appeal Ref: APP/W3520/W/20/3246934

1 Stanwell Green, Thorndon, Eye IP23 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Ellis against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/05632, dated 28 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is described as proposed conversion of garage to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage to dwelling at 1 Stanwell Green, Thorndon, Eye IP23 7JH in accordance with the terms of the application, Ref DC/19/05632, dated 28 November 2019, subject to the attached schedule of conditions.

Procedural matter

2. I have amended the description of development in the decision above deleting wording which is not a description of development.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of nearby residents.

Reasons

Character and appearance

4. The appeal proposal relates to the detached garage of 1 Stanwell Green, a semi-detached bungalow situated at a crossroads. No 1 is one of a number of single storey dwellings on that side of Stanwell Green and I saw at my site visit that there is some variety in the design, size and appearance of the dwellings along the road. The proposed dwelling would be formed by the conversion and extension of an existing garage, which presents a gable end towards the road. I saw at my site visit that there are existing dwellings on the road which present a gable end towards the road. Proposed works include windows to be

inserted into the existing garage door openings, a porch added to the side and an extension at the rear.

5. The existing garage is constructed from similar materials and is of a similar height to No 1. Whilst the proposed dwelling would not mirror its paired semi-detached neighbours, given the use of an existing building, its appearance, scale and the limited extent of alterations proposed, the street scene would not be changed significantly as a result of the proposal.
6. Although the proposed dwelling would be sited close to No 1, it would nevertheless form a single storey property within an adequately sized plot, with significant space retained between it and The Street. I consider therefore that the form of development would not be incongruous with that found on Stanwell Green, nor appear contrived. In addition, whilst the existing garage is situated close to No 1, I do not consider that the proposed development would appear cramped given the width of the plot when viewed from the street.
7. To conclude on this matter, the proposal would not give rise to unacceptable harm to the character and appearance of the area. It therefore accords with Mid Suffolk Local Plan (MSLP) Policies GP1, H13 and H15 which are concerned with design, layout of development and with development reflecting local characteristics, and with Policy H16 which is concerned with protecting existing residential amenity.

Living conditions

8. The proposed dwelling would be situated along the proposed boundary with No 1 and it would project deeper into the site along this boundary than the existing garage. During my site visit I observed that No 1 has a conservatory at the rear.
9. It is proposed that a bathroom window is formed on the south west elevation of the new dwelling. To safeguard privacy, this should be obscured glazed and no further openings should be formed on this elevation. Additionally, appropriate boundary treatments are necessary to prevent overlooking between No 1 and the proposed dwelling. These matters can be addressed by planning conditions.
10. Given the size of the new dwelling proposed and its position in relation to No 1, I do not consider that it would give rise to unacceptable overbearing effects or loss of outlook for the occupiers of No 1 or other nearby dwellings. The proposal therefore would not give rise to unacceptable harm to the living conditions of nearby residents. The appeal scheme accords with MSLP Policies GP1 and H13 which include, amongst other things, that amenities of neighbouring residents should not be unduly affected by reason of overlooking or loss of daylight, and with MSLP Policy H16.

Other matters

11. Concern has been expressed that the proposal would set an undesirable precedent if allowed. However, I have found the scheme acceptable on its merits and I am allowing the appeal having regard to the particular circumstances of the proposal before me. Furthermore, there is no substantive evidence to lead me to conclude that there is a reasonable prospect of similar development being repeated in the vicinity.

12. The proposal would utilise the existing site access, and although it could give rise to a modest increase in traffic at the crossroads, I do not consider that this would cause unacceptable effects to highway safety. Adequate parking would be provided on site for the dwelling and neighbouring No 1. Whilst there may be other sites available and being developed in the village, I nevertheless find the proposed scheme acceptable. I have taken into account the comments regarding the effect of the proposal on local ecology but do not find it unacceptable in this regard.

Conditions

13. I have considered the planning conditions suggested by the Council. These include that a condition is imposed removing permitted development rights in respect of the proposed dwelling. Paragraph 53 of the National Planning Policy Framework is clear that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. In this case, the Council has not provided clear justification for a broad removal of permitted development rights and I am not convinced that such a condition would be reasonable or necessary. Therefore, I have not imposed such a condition.
14. I consider it reasonable to impose conditions in relation to timescale and to specify the approved plans as this provides certainty. I have also imposed a condition regarding the use of matching external construction materials to safeguard the character and appearance of the area. Conditions are also imposed to ensure the provision of appropriate boundary treatments, to remove specific permitted development rights in relation to the formation of new openings on the south west elevation, and to ensure that the bathroom window is obscured glazed, in order to safeguard living conditions of the occupiers of No 1 and future occupiers of the proposed dwelling. I also impose a condition to ensure the proposed parking arrangements are provided and maintained.

Conclusion

15. For the reasons given above and having considered all matters raised, I conclude that the appeal should be allowed.

Philip Lewis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LDA-207-02 measured survey as existing and LDA-207-03 proposed scheme design.
- 3) The dwelling hereby permitted shall not be occupied until the boundary treatments between it and 1 Stanwell Green have been erected. Details of the boundary treatments shall be submitted to and approved in writing by the local planning authority before the boundary treatments are erected and once erected the boundary treatments shall be retained thereafter.
- 4) The dwelling hereby permitted shall not be occupied until the window to the south west elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. LDA-207-03 for 4 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 6) The external surfaces of the development hereby permitted shall be constructed from materials matching those of the existing building.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than that shown on the plans hereby approved, shall be formed in the south west elevation of the property.
