
Appeal Decision

Site visit made on 15 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 October 2016

Appeal Ref: APP/R3515/W/16/3151688

4 Kings Way, Ipswich, Suffolk IP3 9EU

- 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 A Grace against the decision of Ipswich Borough Council.
 - The application Ref IP/16/00075/FUL, dated 2 December 2015, was refused by notice dated 22 March 2016.
 - The development proposed is conversion of house to 2 No. flats including single storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I saw that some building work appears to be underway at the front of the appeal property, however I could not identify any that specifically related to the proposed development. In any event the appeal has been considered on the basis of the submitted plans.

Main Issues

3. The main issues in this appeal are:
 - a. The effect of the proposal on the character and appearance of the area;
 - b. The effect of the proposal on the living conditions of occupants of neighbouring properties; and
 - c. Whether the proposal would have satisfactory parking and access.

Reasons

Character and appearance

4. 4 Kings Way is a two-storey semi-detached dwelling in a mainly residential area. It has single-storey extensions to the side and rear and a rear dormer addition. Parking space at the front of the plot is accessed from Kings Way. Housing on this road is mainly grouped into uniform small rows of terraced houses. There are a few pairs of semi-detached houses that include No 4, at both ends of the road whose design differs slightly one from another. They however contribute to the general appearance of two-storey houses (as opposed to converted flats) in the street.
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5. It is proposed to convert the 6 bed dwelling, to a 2 bed ground floor flat and 3 bed upper floor flat. Accommodation would be over three floors and a new single storey front extension would include two entrance doors and enlarge an existing bedroom. Four off-street parking spaces would be sited to the front and the rear garden divided to provide adequate amenity space for each flat.
6. The first reason for refusal focuses on the effect of the proposed sub-division of the property but does not cite Policy DM14 of the Ipswich *Core Strategy and Policies* Development Plan Document 2011 (CSP) as a reason for refusal. The policy is relevant as it sets out criteria under which subdivision of family dwellings would be permitted. These include that the dwelling has more than 3 bedrooms, would provide separate entrance doors for each unit and an appropriate standard of accommodation. The proposal would meet these criteria. It is also undisputed that the conversion would not result in an overload of flats in an area causing unacceptable traffic problems.
7. Other relevant criteria in Policy DM14 require adequate parking, storage for refuse and other utilities, whilst preserving the amenity of neighbouring residents. These matters are discussed in the second and third main issues.
8. The Council maintains that the area comprises mainly single family dwellings but accepts that there are examples of sub-division on Kings Way where a single entrance door is retained to the side. Although it objects to the proposed two entrance doors as eroding local character, the Council also and somewhat contrarily, states that the new extension would not adversely affect local character or appearance. The submitted plans show a new door to the front and a second to the side of the new extension. Its design would in my view preserve the general character of the area.
9. However the proposal would entail the designation of 4 parking spaces across the entire front of the property, with very little space between or around them. In addition they are uncomfortably close to the front door of one of the proposed flats. This does not lead me to believe as suggested that such a level and layout of parking would still be required if the house were not sub-divided.
10. I saw that off-street parking often occurs in frontages on Kings Way. However the proposed frontage parking would be excessive and would unacceptably dominate the appearance of the host property. No scope exists to soften the visual impact with landscaping. In this respect the proposal would also undermine the appearance of the street scene which contains many open, grassed frontages as well as attractive hedgerow boundary treatments.
11. Furthermore it is clear from my inspection of the site that the existing dropped kerb would have to be widened, losing part of the verge to hardstanding, to accommodate manoeuvring of several vehicles across the tightly constrained parking spaces. This would further detract from the appearance of the area.
12. The Council is concerned at the precedent effect of allowing the appeal. The creation of a precedent for other development that would have harmful effects can be a material consideration if based on more than mere fear or generalised concern. I have not been provided with a definition of family housing. The area does have the general appearance of two-storey undivided houses but there are clearly a few examples of sub-division nearby that do not affect its overall character. Whether it would be possible for alternative proposals to

overcome the specific objection I have found in terms of the effect on local character of the parking arrangements, is not a matter before me.

13. I conclude that whilst in terms of character and appearance there is nothing that would breach the criteria in CSP Policy DM14, the proposal would result in the need for additional parking that would dominate the front of the property to its considerable detriment and that of the street scene.
14. The harm caused would be substantial and clearly contrary to CSP Policy DM5 that requires new development to be well designed, reinforcing the attractive physical characteristics of local neighbourhoods and the appearance of the vicinity. This policy is in line with the aim of the National Planning Policy Framework (Framework) at Section 7, to secure high quality design by promoting or reinforcing local distinctiveness.

Living Conditions

15. The Council has adopted Supplementary Planning Guidance: *Space and Design Guidelines* 2015 (SPD) which has undergone statutory consultation and is recently adopted. As such it is a material consideration of some weight in the determination of planning applications. At Paragraph 6.1 it advises that in urban areas a degree of overlooking may be inevitable, however, every effort should be made to avoid overlooking of garden "sitting out" areas.
16. Dining room windows and a kitchen window are proposed to the rear at second floor level. The gardens of Nos 2 and 6 Kings Way are currently overlooked by these windows. I am mindful that although the internal change in layout of accommodation is a material consideration as part of the proposal, absent special controls it would not in itself normally require planning permission. The use of the rear upper floor rooms would no doubt increase during the day; however I do not consider that this would intensify to the degree that overlooking from them would be considered oppressive in terms of the use and enjoyment of the adjacent properties.
17. The proposal would therefore comply with SPD and CSP Policies DM5 and DM14 in that it would safeguard living conditions of neighbouring residents against loss of privacy, light and overbearing impact. It would also comply with the Framework's aim at Paragraph 17 which emphasises the need for development, among other matters to have a good standard of amenity for existing and future occupants of land and buildings.

Parking and access arrangements

18. The proposed frontage parking area would not accommodate four car parking spaces with reasonable access to both sides of the cars or comply with the space standards of the local highway authority.¹ The standards are expressed as a minimum amount of parking and there being no other available space within the appeal site, a condition would not overcome this problem.
19. In addition the proposed layout, although providing for a refuse storage area, fails to show an area clear of the footway but adjacent to it, where bins can be collected. This is because the whole of the front of the property would be taken up with parking spaces. Moreover no convenient pedestrian or cycle access would exist around them, making it a poor design in functional terms.

¹ Suffolk Guidance for Parking – Technical Guidance (Updated 2015)

20. The works required to the highway that I have earlier described, would in all likelihood also require relocation of the telegraph pole which is in the verge, tight against or crossing the line where the dropped kerb would be extended. Without further details I am not confident that a condition would satisfactorily deal with this matter, which adds to my concerns.
21. To conclude on this issue, the proposal would fail to achieve satisfactory standards of parking and access contrary to CSP Policies DMP14 (a), DM17 and DM18 which require adequate parking that does not dominate the development or street scene, and appropriate pedestrian and cycle accessibility to and within the site.

Conclusion

22. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR