



Appeal Decision

Site visit made on 10 October 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 5 November 2019

Appeal Ref: APP/X3540/W/19/3232464

75 High Street, Aldeburgh IP15 5AU

- 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 Ayman Bakhache of Redfield Investment Partners Ltd against the decision of East Suffolk Council.
 - The application Ref DC/18/4969/FUL, dated 30 November 2018, was refused by notice dated 7 May 2019.
 - The development proposed is remodelling of front elevation to include new roof with dormer windows to facilitate insertion of second floor. Two-storey and first floor rear extensions and change of use from shop and house to 3 x No. self-contained flats.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note the Suffolk Coastal Local Plan Final Draft Plan January 2019, however, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issue

3. The main issue is the effect of the lack of parking provision for the proposed development on highway safety and the convenience of other highway users in the vicinity of the appeal site.

Reasons

4. Policy DM19 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document July 2013 (LP) requires all new development to conform to the Council's adopted parking standards as set out in a Supplementary Planning Document. It also states that in town centres and other locations with good access to public transport the Council may make exceptions as a transport management tool or where it is impracticable to make parking provision on-site.
5. The site is located on High Street and the proposal involves the remodelling of an existing three-bedroom house and retail unit into a block of three two-bedroom dwellings. The proposal would provide one car parking space, cycle parking and a space for a mobility scooter. This provision would fall significantly below the minimum standards required under the Suffolk Guidance for Parking Technical

Guidance Adopted November 2014 Third Edition – May 2019 (SGP) resulting in a shortfall of 3.5 to 5 parking spaces.

6. While the site is in a town centre location and there are a range of services and facilities near the site, the number of bus routes running near the site are low in frequency and there is no substantial evidence before me of other methods of public transport near the site. The drawings indicate that the proposed dwellings would have two double bedrooms and two bathrooms each. Each dwelling would therefore be likely to accommodate two or more future occupiers. Therefore, while I acknowledge that the ground floor flat may appeal to less mobile occupants, given the number of future occupiers likely from the number and size of the proposed bedrooms, as well as the infrequent bus service, it is likely that more than one parking space would be required.
7. While there are a number of on-street parking spaces near the site, these are subject to time-limits and parking restrictions such that they would not be suitable for long-term parking. Moreover, given the town's attraction as a tourist destination, it is likely that these spaces would be in high demand. While I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the limited access to public transport in the area serves to highlight a dependence on the private vehicle for essential requirements.
8. The proposed parking arrangement would be similar to existing and would not intensify the use of the existing access and I note the proposed cycle spaces and the car parks on the edge of the town. However, given the likely number of future occupiers from three two-bedroom properties, these would be unlikely to override a requirement for more than one off-street parking space.
9. Therefore, given the identified shortfall, the proposal could, albeit in a worst-case scenario, result in up to five cars being parked on the street in the vicinity of the appeal site. This would lead to increased instances of dangerous and obstructive parking, such as on yellow lines, at road junctions, on footways or across driveways, to the detriment of the free and safe flow of traffic, in particular emergency service vehicles.
10. Furthermore, while I note that two cars may be able to pass in the resultant width of the road taking into account the on-street parking provision, an increase in parked vehicles on the yellow lines outside the site would be likely to further reduce the width of the usable road. This would restrict visibility for pedestrians and be likely to lead to an increased risk of collisions particularly with pedestrians and result in an unacceptable impact on highway safety. While there may be other legislation in place to deal with unlawful parking, the proposal must be determined in accordance with the development plan which among other things requires all new development to conform to the Council's adopted parking standards.
11. Therefore, although the site is in a town centre location, given the adverse impacts on the free flow of traffic and the unacceptable impact on highway safety, an exception to LP Policy DM19 and the SGP would not be justified in this instance.
12. Consequently, the lack of parking provision for the proposed development would have an unacceptable impact on highway safety and the convenience of other highway users in the vicinity of the appeal site. Therefore, it would conflict with LP Policy DM19 which requires all types of new development to conform to the Council's adopted parking standards. It would also conflict with LP Policy DM22

which among other things seeks development that makes adequate provision for cars and parking areas. In addition, it would conflict with the Framework in this regard.

Other Matters

13. I note that the site falls within 13km of the Sandlings Special Protection Area (SPA), the Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site, Minsmere – Walberswick SPA and the Deben Estuary SPA and Ramsar site. Had I found the appeal development to provide adequate provision for parking, I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. I note that a S111 form and payment of £642.22 was provided to the Council. However, in the circumstances of this case this has not proved to be a determinative matter given the harm to parking provision and highway safety that would arise from the development.
14. I acknowledge the comments relating to the effect on the living conditions of neighbouring occupiers with regard to privacy, light and outlook and the location of the site outside primary and secondary shopping frontages. The Council has not objected in these respects and from the evidence before me I see no reason to disagree. However, these matters have not altered my overall decision.
15. I acknowledge concerns regarding the service provided by the Council and local concerns as well as support for the proposal. However, each proposal must be determined on its individual planning merits and these matters have not altered my overall decision.
16. The site lies within Aldeburgh Conservation Area (CA), the significance of which lies in the evidence of a historic sea-side town. The Council has not objected on the basis of the effect of the proposal on the CA, Suffolk Coast and Heaths Area of Outstanding Natural Beauty and Heritage Coast and from the evidence before me I see no reason to disagree.
17. I acknowledge the other matters raised including the government's objective to significantly boost the supply of housing. The proposal would contribute two additional dwellings to the local housing supply and since the existing building has been vacant and is in need of some maintenance, the proposal would provide moderate benefit to the character and appearance of the CA. However, these points do not override the policy conflict and harm to highway safety identified above.
18. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Given the primacy of the development plan, I attribute it full weight and attach the conflict with LP Policy DM19 significant weight. Consequently, the benefits of the proposal would not outweigh the harm given the development plan conflict and unacceptable impact on highway safety.

Conclusion

19. For the reasons given above the appeal is dismissed.

R Sabu INSPECTOR

¹ S38(6) of Planning and Compulsory Purchase Act 2004 and s70(2) of Town and Country Planning Act 1990