



Appeal Decision

Site visit made on 18 December 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/X3540/W/19/3236974

14 Marine Parade Walk, Felixstowe, IP11 2GJ

- 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 and Mrs Ben Connor against the decision of Suffolk Coastal District Council (which subsequently merged with other local authorities on 1 April 2019 to become East Suffolk Council).
 - The application Ref DC/19/1907/FUL dated 9 May 2019, was refused by notice dated 26 June 2019.
 - The development proposed is described on the application form as "Loft Conversion/ Extension with first floor balcony to rear elevation".
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Council referred to the Core Strategy & Development Management Policies Plan¹ in its reason for refusal, this has now been superseded by the adoption of a new Local Plan². As a consequence, further consultation was carried out with both parties and I have accordingly determined the appeal on the basis of the responses received.
3. The Council has confirmed that its decision was based on amended plans, which showed changes to the fenestration and roof gable. It is not clear if the Council reconsulted interested parties in respect of these, but I am nonetheless satisfied that this was not necessary as the amendments did not materially change the scheme or intensify its impact on neighbours. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded to assess the scheme on the basis of the proposed plan and elevations shown on Drawing No 2582:19:02 (Rev A).

Main issues

4. The main issues are the effect of the development on:
 - the character and appearance of the host property and wider area;
 - flood risk; and

¹ Suffolk Coastal District Local Plan, Core Strategy & Development Management Policies, Development Plan Document, July 2013, Suffolk Coastal District Local Plan.

² Suffolk Coastal Local Plan, Covering the former Suffolk Coastal District area, Adopted 23 September 2020, East Suffolk Council.

- the living conditions of neighbouring occupiers, with specific regard to privacy.

Reasons

Appeal site context

5. The appeal site contains a mid-terrace 2-storey property comprising a 2-bedroom flat at first floor level with its own garage/carport below, together with 3 other separate garages utilised by neighbouring properties. It forms part of a substantial 'L' shaped modern terraced block of 2 and 2.5 storey houses and 3-storey apartments ('the terrace') which front onto the Felixstowe Promenade and an area of public open space containing a Martello Tower.
6. The terrace has been designed with a number of clearly distinct and different elements varying in architectural character, scale and form, which as a consequence helps to break up its substantial footprint and mass. The appeal property forms a small but significant part of the overall composition of the block by acting as a subservient link of simple form between the more deliberately prominent and bold 2.5 storey housing to the south and 3-storey apartments to the north, both of which are strongly characterised by their large gables fronting onto the Promenade, consistent use of materials, chimneys, black metal balcony & staircase railings, regular alignment of white pseudo-sash windows with stone lintels & cills, double-doors that open up onto balconies, and black front doors with white door surrounds. The prominence of the 3-storey apartment block is further intensified by its significant height and function as a corner-plot pivot building, and its role in framing the Martello Tower along with a similar 3-storey set of apartments to the north.

Character and appearance

7. The introduction of a gable in the roof space of the appeal building, with accompanying double-doors and balcony, would obliterate its simple form and give it a much more imposing appearance, wholly out of character with its important visual role as a subservient link building between the two bolder architectural forms connected to it on both sides. As a consequence, the proposed gable would cause significant harm to the character of the terrace as a whole.
8. This harm would be compounded by the introduction of glazed balcony screening to replace the existing black metal railings, which make an important contribution in giving the overall terrace a sense of continuity and cohesion. Furthermore, the proposal to widen the existing double-doors at first floor level would give this part of the building an awkward asymmetrical appearance, wholly out of keeping with the consistent symmetrical approach to vertical window alignment on the appeal building and wider terrace, a feature which helps give the terrace a distinctly formal character. This harm would be further compounded through the introduction of grey window frames to the property.
9. The development and its relationship with neighbouring dwellings would also be publicly visible when approaching from both directions on the Promenade, which would intensify its harmful impact.
10. The proposed balcony to the rear of the terrace, whilst modest in scale, would introduce new materials and finishes that would also detract from the simple palette of existing materials on the terrace.

11. Notwithstanding the above, I nonetheless consider the replacement of the existing rear elevation window with double doors and front elevation gated opening with a window to be acceptable from a design perspective, as is the case with the installation of two rooflights to the rear roof slope (subject to them being flush with the plane of the roof as is the case for conservation roof lights).
12. My attention has been drawn by the appellant to a similar link building on the return frontage of the terrace facing the Martello Tower, which has a large gable. However, this gable is considerably more muted in its appearance, being lower in height and with no glazing in the roof space element. As a consequence, I do not consider this to be comparable to the scheme before me.
13. The appellant has sought to justify the use of glass balustrades on the basis that the metal balcony railings suffer from significant levels of weathering in a maritime environment and need continual maintenance. However, I found no significant degradation of the quality of railings at the time of my inspection and in any event, the benefits to the appellant from easier maintenance do not outweigh the harm that would be caused to the wider terrace.
14. The appellant has also justified the scheme on the basis that the terrace is not listed or in a conservation area. However this does not remove the need for the development to be of a high quality design or justify the harm identified.
15. In view of the above, I conclude that the development would cause significant harm to the character and appearance of the host property and wider area. The proposal would therefore conflict with Policy SCLP11.1 of the Local Plan which seeks, amongst other things, to ensure that new development is of a high design quality that clearly demonstrates consideration of the component parts of buildings and development as a whole.
16. I also find that the scheme fails to accord with Paragraphs 124, 127 and 130 of the Framework³ which collectively seek, amongst other things; (a) high quality design; (b) visually attractive development that is sympathetic to local character; and (c) the refusal of planning permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

Flood risk

17. The development would result in the front elevation black metal gate being replaced with a window. The Council states that this currently leads to an open cart lodge opening in the rear elevation and therefore serves as a flood mitigation measure to assist in the dispersal of water in the event of a tidal surge. At the time of my inspection, the open cart lodge opening had been enclosed with a roller shutter garage door, but it nonetheless remains capable of being opened in an emergency.
18. The evidence shows that the site falls within designated Flood Zones 2 (medium probability) and 3 (high probability) as shown on the Environment Agency Flood Map for Planning. The appellant does not dispute this, but has also referred to a flood risk indicator for the appeal site, dated 24 January 2019, which states that the chance of flooding each year is less than 1% (1 in

³ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

100), but greater than or equal to 0.1% (1 in 1000), and that this was based on Environment Agency data. This accords with flood zone 2 classification identified in the Planning Practice Guidance (PPG)⁴. This would not therefore fall in the area of lowest flood risk as referred to by the appellant (flood zone 1 – low probability).

19. Policy SCLP9.5 of the Local Plan states that intensification of existing development (as is the case in this appeal) will not be permitted in areas at risk from flooding, namely Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in national planning guidance. Paragraph 163 of the Framework states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. Paragraph 164 of the Framework makes it clear that while minor development such as householder applications (as is the case in this appeal) should not be subject to the sequential or exception tests, it should still meet the requirements for a site-specific flood risk assessment as set out in footnote 50. This is reinforced by the PPG⁵ which refers to the Environment Agency's advice on flood risk assessment for minor developments, which accordingly states that a site-specific flood risk assessment is required.
20. The scheme was not accompanied by a site-specific flood risk assessment and as a consequence, the development would conflict with Policy SCLP9.5 of the Local Plan, which seeks, amongst other things, to ensure that development is safe, resilient and does not increase the risk of flooding elsewhere. For the same reasons, I also find that the development would not accord with Paragraphs 163 and 164 of the Framework, and the PPG on flood risk.
21. The appellant states that there are substantial sea defences in place which would prevent flooding and that there is no habitable accommodation on the ground floor of the building. However, in the absence of a site-specific flood risk assessment demonstrating how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users, I am unable to conclude that the scheme would not result in a harmful flood risk impact. My concern in respect of this is intensified further by the PPG which classifies dwellinghouses as having a 'more vulnerable' flood risk vulnerability classification⁶.
22. The appellant states that even if there was a flood, water would still run through the garage/utility room. However, there is no evidence before me to indicate that the rate of flow would remain the same and I am concerned that the loss of the doorway would obstruct a potential escape route for occupiers of the dwelling above it, which may be of critical importance in an emergency. Furthermore, there is also no information setting out whether the loss of this through-route might intensify the risk of flooding in the surrounding area. My concern in respect of these matters is further reinforced by the absence of any consultation responses from the Environment Agency or input from an appropriately qualified Drainage Engineer.

⁴ Paragraph: 065 Reference ID: 7-065-20140306, Revision date: 06 03 2014

⁵ Paragraph: 047 Reference ID: 7-047-20150415, Revision date: 15 04 2015

⁶ Paragraph: 066 Reference ID: 7-066-20140306, Revision date: 06 03 2014

Living conditions

23. The proposal would result in a new first floor balcony to the rear elevation which fronts onto a communal parking area. Although users of the balcony would be able to overlook the rear garden of No 15 Marine Parade Walk, given the separation distance and high boundary wall to this property, I am satisfied that there would be no harm to the privacy enjoyed by its occupants. There would also be some overlooking of the private garden area to No 5 Marine Parade Walk, but given the separation distance involved, I am satisfied that no harm would arise in this regard.
24. In view of the above, I conclude that the development would not harm the living conditions of occupiers of neighbouring properties. The proposal would therefore accord with Policies SCLP11.1 and SCLP11.2 of the Local Plan, which collectively seek, amongst other things, to ensure that new development protects the amenity of neighbouring occupiers.
25. I also find that the proposal accords with Paragraph 127 of the Framework which seeks, amongst other things, to ensure that development provides a high standard of amenity for existing users.

Other matters

26. I recognise that the appellant amended the scheme to try and address the concerns of Council officers. However, this has little bearing on the matter before me and is a matter between the parties.

Planning Balance

27. I recognise that the scheme would result in an economic benefit from local employment during construction and enhanced accommodation for the appellant, but consider these to be of limited value and outweighed by the potential increase in flood risk and harm to the character and appearance of the host property and wider area.
28. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

29. Although I have concluded that there is no harm in respect of the main issue relating to living conditions, I am nonetheless satisfied that the harm identified in respect of the main issues relating to character & appearance and flood risk are sufficient to still justify dismissal of the appeal.
30. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR