



Appeal Decision

Site visit made on 26 January 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/X3540/W/20/3261439

Plot at Broadbank, Broadview Road, Lowestoft, Suffolk NR32 3PL

- 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 K Sinclair against the decision of East Suffolk Council.
 - The application Ref DC/20/2077/FUL, dated 28 May 2020, was refused by notice dated 2 September 2020.
 - The development proposed is erection of dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on (i) the living conditions of the occupiers of the next door dwelling (Sandings), with particular regard to outlook and internal daylight, (ii) the character and appearance of the area, and (iii) designated European sites in the wider area.

Reasons

Living conditions of the occupiers of the next door dwelling

3. Broadview Road is a cul-de-sac serving an eclectic mix of suburban housing. The appeal site is garden land separated from the host property of Broadbank, lying to the opposite side of Broadview Road. The land descends and tapers in width away from the road and a workshop building is sited near to its rear.
4. The dwelling proposed is of two-storeys and of a contemporary flat roofed, parapet walled form, with a single storey outshoot at the rear. It is sited to broadly align with the dwellings either side. However, the narrow width of the site at this point would involve the new dwelling being positioned particularly close to the next-door house at Sandings, which is itself sited close to the boundary and has side windows facing onto the appeal site.
5. This appeal is not the proper means to progress any of the further amendments suggested. As submitted, and despite stepping down to a single storey at the rear, the dwelling would be of a scale and proximity such as to have a harmfully over bearing impact on the outlook from the adjacent dwelling at Sandings, and to deprive some daylight from its side rooms. Consequently, the proposal would have an unacceptably adverse effect on the living conditions of occupiers of this neighbouring dwelling, in conflict with

policies WLP8.29 and WLP8.33 of the East Suffolk Council - Waveney Local Plan of March 2019 (LP).

Character and appearance

6. The housing to this side of Broadview Road is of a varied but generally fairly spacious arrangement, with quite large gardens providing a verdant setting. Sited so close to the neighbouring house, in a narrow part of the site, the proposed dwelling would appear quite cramped in this context.
7. Whilst in the wider area other dwellings are sited as close together as in this proposal, this is usually in the context of a more even sequence of plot widths and densities. This proposal would not reflect the degree of wider separation along the immediate stretch of housing.
8. Although of an intrinsically good quality design, in this position a new dwelling would be out of keeping with the prevailing pattern of residential development and have a harmful effect on the character and appearance of the area. This would conflict with the objectives for good design in LP policies WLP8.29 and WLP8.33.

European sites

9. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) provides strategic measures to off-set the increased recreational disturbance on European nature conservation sites arising from residential growth in East Suffolk. As this proposal falls within the recreational disturbance Zone of Influence for Benacre to Easton Bavents Special Protection Area (SPA), the new dwelling proposed might lead to a significant effect on this protected area when considered in combination with other planned development.
10. To address this, the Suffolk Coast RAMS seeks financial contributions from new developments to fund strategic mitigation. The contribution has not been secured for this particular proposal, and the evidence would not satisfy me that it would thus not have a likely significant effect on the SPA when considered in combination with other developments. Therefore, I am unable to conclude the proposal would have no adverse effect on the integrity of a European site protected under the Conservation of Habitats and Species Regulations 2017 (as amended). For this reason, the proposal conflicts with LP Policy WLP8.34.

Balance and conclusion

11. The dwelling would be located where there is reasonable access to services and facilities, and the principle of further housing would be acceptable. There would be small social benefits in the contribution made towards housing supply, where historically requirements might not have been easily met in this area. Although the appeal site is not presently in an untidy state, preventing this occurring from a lack of maintenance would not provide reasonable justification for permitting a dwelling. Clearly, the building work and further household spend would benefit the local economy in a small way.
12. However, these small benefits would be significantly and demonstrably outweighed by the harm identified to living conditions, character and appearance and a European protected site. Therefore, the proposal would conflict with the development plan when considered as a whole, which is itself broadly consistent with the National Planning Policy Framework.

Notwithstanding the further detailed points put forward, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector