
Appeal Decision

Site visit made on 2 March 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/X3540/W/20/3262535

232 London Road South, Lowestoft, Suffolk NR33 0BE

- 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 Dean Knowles against the decision of East Suffolk Council.
 - The application Ref DC/20/2526/FUL, dated 27 June 2020, was refused by notice dated 8 September 2020.
 - The development proposed is conversion of a dwelling house into two one-bedroom flats comprising kitchen, bathroom, bedroom and lounge, all above the shop unit below.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether the proposal would be appropriate in this location with regard to development plan policy over the subdivision of dwellings into smaller flats and requirements to mitigate the impacts of further recreational pressure upon European nature conservation sites in the locality.

Reasons

The subdivision of dwellings into smaller flats

3. The proposal relates to the two upper floors above a shop within the urban part of Lowestoft. The accommodation currently comprises a four bedroomed dwelling. It is proposed to subdivide this horizontally to create two one-bedroom flats.
4. The property falls within a Flat Saturation Zone identified on the policies map for the Waveney Local Plan¹ (LP). Policy WLP 8.4 of the LP deals with the conversion of properties into flats and states that no further conversions to self-contained flats/houses in multiple occupation will be permitted in Flat Saturation Zones. Consequently, this proposal is in direct conflict with the terms of LP Policy WLP 8.4.
5. The LP recognises that the conversion of larger properties to flats can provide much needed smaller units of accommodation. However, high concentrations of property sub-division in a particular area can have amenity implications, such as the degree of on-street parking stress, the appearance of multiple bin storage and increased levels of activity and disturbance. Consequently, this policy seeks to address locations within Lowestoft where an oversaturation of

¹ Waveney Local Plan – adopted March 2019.

smaller units is resulting in such concerns and leading to the creation of unbalanced communities.

6. The appellant has calculated that flats amount to less than 10% of the total number of properties within this post code area. Furthermore, the East Suffolk Housing Strategy 2017 to 2023 points to the need for a significant number of additional homes of all types. In respect of the housing stock in East Suffolk generally dwellings tend to be under occupied rather than over occupied. The appellant also points to the high level of demand for one-bedroom flats and the large population of single people locally who might be seeking this form of accommodation.
7. LP Policy WLP 8.4 is not, however, directed to either the NR33 postcode area or the East Suffolk District as a whole. It relates to a particular location where a high concentration of single bedroom dwellings and houses in multiple occupation has been identified as having an adverse impact upon the overall character of the residential area.
8. I acknowledge that the proposal would provide benefits in making effective use of a dwelling that currently is vacant and, without a garden, may be less than ideal as family accommodation. Nevertheless, the scheme would undermine the objectives of the LP to address the adverse implications of an over concentration of smaller units of accommodation within this particular area of the town. Therefore, I conclude that this proposal would be inappropriate by conflicting harmfully with LP policy over the further subdivision of dwellings into smaller units and undermining its objectives.

Further recreational pressure upon European nature conservation 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 the Benacre to Easton Bavents Special Protection Area/Special Area for Conservation, the net increase in one dwelling proposed might lead to a significant effect on these protected areas when considered in combination with other planned development.
10. To address this, the Suffolk Coast RAMS seeks financial contributions from new developments, based on a set tariff, 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 protected European sites, 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. Therefore, I further conclude the proposal to be inappropriate by a failure to mitigate the impacts of further recreational pressure upon European nature conservation sites in this locality.

Conclusion

11. Planning law requires this appeal be determined in accordance with the development plan, unless material considerations indicate otherwise. The

National Planning Policy Framework is a material consideration in my decision. However, this confirms that where there is conflict with an up-to-date development plan, permission should not usually be granted.

12. There would be some small social benefits from this proposal in meeting the demand for one-bedroom accommodation, and thus boosting housing supply, as well as some benefit to the local economy through the building works entailed. Whilst these factors are both material planning considerations, they are insufficient to indicate my decision be made otherwise than in accordance with the development plan, with which conflict has been found. Having taken into consideration all further matters raised, I therefore conclude the appeal should be dismissed.

Jonathan Price

Inspector