
Appeal Decision

Site visit made on 14 April 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2021

Appeal Ref: APP/R3515/W/20/3263189

468 Woodbridge Road, Ipswich IP4 4QA

- 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 T Mohammed against the decision of Ipswich Borough Council.
 - The application Ref IP/20/00669/FUL, dated 11 August 2020, was refused by notice dated 7 October 2020.
 - The development proposed is Alteration of ground floor commercial unit and first floor flat to provide ground floor commercial unit, ground floor flat and first floor flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted retrospectively. The proposed ground floor flat has been provided and was occupied at the time of my visit. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are (i) whether or not the proposed development provides satisfactory living conditions for current and future occupiers of the proposed ground floor flat with particular regard to internal space provision; and (ii) the effects of the proposal on European sites.

Reasons

4. There is no dispute between the parties that the new ground floor flat does not meet the Nationally Described Space Standards (NDSS) as sought by LP¹ Policy DM30. The Council states that about 31 sqm of gross internal floor area is provided which is over 20% less than the 39 sqm required. Notwithstanding the recognised shortfall, the appellants contend that the proposal complies with LP Policy DM30 because it requires compliance with the NDSS "unless it can be demonstrated that it would not be viable".
5. In this respect, the appellants argue that the appeal flat remains a "viable and useable unit of accommodation", demonstrated by the fact that it already functions as a unit of accommodation and meets a local need by providing an affordable market property. I acknowledge that the unit benefits from good levels of daylight in both rooms and would have a policy compliant external

¹ Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review 2017

amenity space, directly accessed both from the living accommodation and separately via a shared passageway alongside the building.

6. However, the building within which the appeal flat has been provided is an extension to the original building. This was granted planning permission in 2018 to provide additional living accommodation in conjunction with the existing first floor flat, altering it from a first floor one bedroom unit to a two story, three bedroom unit. No evidence has been provided that suggests this is no longer a viable proposal. I note that the supporting text of LP Policy DM30 states that flats will still be needed but they may need to be bigger to attract older households away from family houses and in some cases to cater for families. This implies that the extant planning permission, for three bedroom accommodation, would meet an identified local housing need. I have no substantive evidence to support the appellants' contention that the appeal proposal meets any objectively identified need.
7. No substantive evidence has been provided to demonstrate the affordability of the unit in comparison to other market rental properties. In any case, a lower than average rental price for a unit of this nature would not override the strong emphasis on good design and the provision of a high standard of amenity, regardless of whether the current tenant is said, by the appellants, to confirm that they are happy with the quality of accommodation provided. The NDSS are a minimum and LP Policy DM30 requires the standards to be met unless it is demonstrated that it would not be viable to do so, rather than by seeking to demonstrate that a proposed development is otherwise viable despite not meeting the standards.
8. Therefore, in the absence of any substantive evidence to demonstrate that compliance with the NDSS is not viable, due to the sub-standard internal space provision, in clear conflict with LP Policy DM30, I conclude that the proposal fails to provide satisfactory living conditions for current and future occupiers.

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 sites arising from residential growth in this area. As this proposal falls within the recreational disturbance Zone of Influence for the Stour and Orwell Estuaries Special Protection Area and the Stour and Orwell Estuaries Ramsar site, the development could have a significant effect on these protected areas, when considered in combination with other planned development.
10. To address this situation, the Suffolk Coast RAMS seeks financial contributions from new developments to fund strategic mitigation. I acknowledge that the appellants have indicated a willingness and intention to make the relevant contribution. However, at the time of this decision, the payment has not been received by the Council and no planning obligation has been submitted with the appeal to deliver this. Therefore, I must conclude that the proposal fails to ensure that adequate provision would be secured for the mitigation of the likely effects on a protected European site or sites. Consequently, it is contrary to LP Policy DM31 which seeks to protect designated sites.

Other Considerations and Overall Conclusion

11. I have noted the arguments that in all other respects the accommodation would be satisfactory and that affordability is a key barrier to homeownership and to finding accommodation that enables people to leave the family home and live close to working areas. However, I do not consider that these matters justify undermining the objectives of the Council's policies and the NDSS. Further, the acceptability and accessibility of the external space provision would not compensate for sub-standard internal space.
12. The retention of the appeal flat (as opposed to its occupation as part of a larger flat over two storeys or as part of the existing commercial unit) would make a small contribution to housing supply in the area. There would be modest economic and environmental benefits associated with support for services and facilities by the current or future occupant. A smaller unit of this nature would add to the overall mix of housing type in a location with good access to services, facilities and recreation spaces. I recognise that more efficient and effective use of land is encouraged within the Framework. However, I have no evidence to suggest that the use of the appeal building, as per the extant planning permission, as additional accommodation associated with the existing first floor flat, does not already represent the most effective use of the appeal site.
13. Against these limited benefits I have found that the proposal fails to provide satisfactory living conditions and to protect European sites, contrary to policies of the LP as cited above, and to the LP when read as a whole. I attribute significant weight to this conflict.
14. The Council cannot demonstrate a five-year supply of deliverable housing sites. However, the failure to mitigate for the proposal's effects on European sites means the application of Framework policies that protect areas or assets of particular importance provide a clear reason for dismissing this appeal. Therefore, the tilted balance of Framework paragraph 11 d) ii is not in this case engaged.
15. Accordingly, there are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out the appeal is dismissed.

S Tudhope
Inspector