



Appeal Decision

Site visit made on 30 November 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2021

Appeal Ref: APP/X3540/W/21/3275223

Hungate Court, Beccles, Suffolk NR34 9TR

- 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 Anergreen Properties Ltd against the decision of East Suffolk Council.
- The application Ref DC/21/0261/FUL, dated 16 January 2021, was refused by notice dated 8 April 2021.
- The development proposed is described as a “change of use from B1 to 2 Bedroom flat”.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from B1 to 2 Bedroom flat at Hungate Court, Beccles, Suffolk NR34 9TR in accordance with the terms of the application, Ref DC/21/0261/FUL, dated 16 January 2021, subject to the following conditions:
 1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2505.19.10 and 2505.19.11.
 3. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 2505.19.11 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
 4. The use shall not commence until the area(s) within the site on drawing number 2505.19.11 for the purposes of secure cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purposes.
 5. Prior to the occupation of the dwelling, hereby approved, the sound insulation measures to separating partitions and associated flanking structures as set out within the submitted and approved Noise Impact Assessment, ref: IEC/4171/01/AVH dated 6 January 2021, shall be completed in full and thereafter retained in the approved form.

Preliminary Matters

2. Since the submission of the appellant’s appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issue most relevant to the appeal remains unaffected by the revisions to the Framework. I am therefore satisfied that

there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of adjoining occupiers at Huntgate Court and future occupiers of the proposed flat with particular regard to privacy.

Reasons

4. The appeal site comprises a single storey building that lies within the built-up area of Beccles, with the town centre close by. Opposite the appeal site and to the north and east is a large building with a commercial use on the ground floor, currently being used as a Job Centre, and its first and second floors occupied as flats.
5. The appeal building benefits from accommodation within its roof space, which was previously used as part of the business space below. It is proposed to convert the roof space to provide a two bedroom flat. Dormer windows within the roof are positioned on each of its elevations, with those on the north and east looking over the flats opposite. The Council argue that the proximity of the dormer windows and the proposed residential use would harm the adjoining occupiers living conditions through overlooking. Moreover, the proposed flat would also suffer from a poor level of amenity as the flats opposite would look into the proposed accommodation.
6. The eastern elevation of the appeal building is positioned further away from the flats opposite and is separated by a flat roof area. In such an urban environment, intervisibility between properties and reciprocal views would be expected. Therefore, whilst windows within the flats opposite are clearly visible from the eastern dormer of the appeal site, the distance in such an urban area is acceptable. It is not one that I would consider harms the living conditions of those opposite to a significant degree, nor the living conditions of future occupiers of the proposed flat.
7. With regard to the dormer in the northern elevation, the flats opposite are much closer, with only a driveway and pavements separating the two buildings. However, one has to accept that the buildings have co-existed opposite one another during the time that the appeal building has been used for office purposes. It is evident that the office use at the appeal site can continue without recourse to the Council and I am not aware of any restrictions regarding the hours the building can operate as such.
8. Moreover, there is nothing substantive before me to demonstrate that the permanent use of the first floor as a flat would increase the level of overlooking over and above that which could already occur through the lawful office use of the building. Therefore, although the use of the first floor premises may indeed result in overlooking to neighbouring properties, and in particular, those to the north of the appeal site, it already occurs to a degree.
9. Furthermore, properties in the vicinity of the appeal site have a reasonably tight knit relationship to each other, which is not unusual elsewhere in Beccles near the appeal site, with commensurate expectations for privacy, including that it may be prudent at times to take the normal precaution of closing blinds or curtains.

10. Thus, the development would not harm the living conditions of adjoining and future occupiers through loss of privacy. It would not be in conflict with Policy WLP8.29 of the Waveney Local Plan 2019 and paragraph 130 of the Framework which seek, amongst other things, to ensure that neighbouring uses provide a good standard of amenity.

Other Matters

11. I have carefully considered the neighbour's concerns regarding the site and the potential for anti-social behaviour. However, planning is concerned with land use in the public interest and substantive evidence has not been provided that such behaviour would occur should the appeal be allowed, or that appropriate enforcement action could not resolve such matters.

Conditions

12. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. I have amended the conditions, where necessary, in the interest of concision. Along with the standard time condition, the approved plans should also be specified to provide certainty.
13. In the interest of highway safety, details of refuse bin storage shall be agreed with the Council and cycle storage areas shall be provided in accordance with the approved plans. To protect future occupiers from noise generated by adjacent commercial activities, sound insulation shall be carried out in accordance with the submitted Noise Impact Assessment.

Conclusion

14. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR