
Appeal Decision

Site visit made on 11 January 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/R3515/W/21/3273746

268A Norwich Road, Ipswich, IP1 4BT

- 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 Mark Sheppard of SDX Properties Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/21/00009/FUL, dated 24 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is to convert the existing garage for 4 cars into 2 units – studio flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

3. The main issues are:
 - whether the development would provide acceptable living conditions for future occupiers, with particular reference to internal living standards, private amenity space and usability of parking spaces; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions – internal living standards

4. Policy DM30 of the Ipswich Core Strategy and Policies Development Plan Document 2017 (DPD) sets out that to ensure dwellings, including flats, provide a versatile and attractive living space developers will be required to meet to Nationally Described Space Standard, unless it would not be viable.
 5. The Nationally Described Space Standards (NDSS) states that a 1 bedroom 1 person dwelling is required to provide 37 sqm of internal space for a single storey dwelling with a shower room. However, the NDSS does not differentiate between 1 bedroom 1 person dwellings and studio apartments.
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6. Therefore, whilst each of the proposed studio flats would be smaller than the minimum sizes set out within the NDSS for 1 bedroom flats, I have had regard to the internal layouts proposed for each of the flats in considering whether they provide an adequate standard of accommodation.
7. The studio flat comprises an open plan kitchen and sitting area which would appear to provide adequate space for a single occupier. However, there is a lack of identified storage and this leads me to conclude that the proposed dwellings would not provide a high standard of amenity for future occupants as a result of their restricted internal size.

Living Conditions – Amenity Space

8. Policy DM3 of the DPD states that for all apartments an average of 25 sqm of private amenity space is required. The policy goes on to say that apartment schemes may choose to provide a communal garden for use by residents, but that poorly designed areas of grass to the rear of blocks of flats will not be considered acceptable.
9. The site currently accommodates 4 self contained apartments and the communal amenity space is provided directly behind the existing garage block. The area is relatively modest and is not secure and private as views are afforded through the site. The evidence before me indicates that the amenity space would be below the standards set out within policy DM3.
10. The proposed development would also result in an increase in the number of occupants who would be reliant on this area to provide amenity space. Furthermore, the existing residents would have to walk past the frontage of the studio apartments in order to access this space and this would make it less attractive for the occupiers of the existing flats as in effect it becomes subdivided by the studio flats and the associated parking area.
11. There would be only modest harm arising from the lack of private amenity space, given that the proposed studio flats would not be used as family accommodation due to their size. However, I consider that the occupation of the 2 flats would result in an increased level of demand for these facilities which are already limited and therefore I find demonstrable harm arising from the proposed development in respect of lack of sufficient amenity space.
12. Whilst the tandem parking spaces located to the front of the proposed development would be less than convenient for users, I have had regard to the sites sustainable location. Future occupiers would not be solely reliant on the private car and furthermore no highway safety issues have been identified by the Highway Officer with the parking layout. As a result, I have not identified any demonstrable harm arising from the proposed parking spaces.

Conclusion – Living Standards

13. For the collective reasons outlined above, I conclude that the proposed development would not provide acceptable living conditions for future occupiers of the dwelling in respect of internal living standards and provision of outside amenity space. It would therefore conflict with policy DM3 and DM30 of the DPD which relate to the adequate provision of private outdoor amenity space and seek to ensure development is of an appropriate density whilst providing versatile and attractive living space.

Character and appearance

14. The site is located to the rear of 268 Norwich Road, which is a two storey building comprising 4 flats. Norwich Road is a predominantly residential street with some commercial uses evident. There are a variety of house types, sizes and styles, although the overriding character is of two storey frontage development. The majority of the properties front onto Norwich Road and benefit from good sized gardens to the rear. The linear form of development continues for the length of Norwich Road and contributes to its overall character.
15. The appeal site contains a flat roof block of garages and the conversion of the building would result in changes to the external appearance of the building, however due to the position of the existing garage directly behind the two storey building, views of it from outside of the site are limited.
16. Whilst there would be some intensification of the use of the site resulting from the proposed change it would not be evident from outside of the site. The area in front of the existing garage block would be used for parking, but this would not be significantly different from the comings and goings associated with the existing use of the garage block.
17. The siting of the proposed development, although at odds with the general pattern of development, would be located behind flats, rather than an existing dwelling and would be served by an existing access. The views from Norwich Road would be of a structure which would be similar to the existing garage and by virtue of its modest size and scale would not result in harm to the character and appearance of the area.
18. The area to the front of 268 Norwich Road, would be utilised for parking. However, the existing area is currently laid to gravel with a concrete path leading to the entrance to the ground floor flats. Therefore, while changes may be required to the surfacing in order to formalise this area for parking this would not materially alter the character and appearance from the public viewpoints afforded from Norwich Road.
19. The Council's reason for refusal includes reference to the lack of bin presentation as being harmful to visual amenity. The proposed layout indicates areas for the storage of bins for both the existing and proposed flats located at the rear of the building they serve. On collection days bins would need to be positioned on the pavement or across the width of the access, which would be less than ideal. However, the appellant has indicated that the bin collection arrangements would be the same as for the current 4 flats and therefore the increase as a result of the two additional units does not lead me to conclude that there would be material harm arising to the visual amenity of the area.
20. I therefore conclude that the proposed development would not harm the character and appearance of the area. The development would be in accordance with policies DM5 and DM13 of the DPD which together seek to ensure good design and in particular that small scale backland residential development protects the character and appearance of the area.

Other matters

21. It would appear that the appeal site falls within a 'Zone of influence' for a designated site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
22. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, albeit I have not been provided with any details of the level of shortfall. Therefore, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
23. The site is well located in terms of its proximity to services and is of a scale appropriate to the size of the existing settlement and as such lies within a sustainable location. The access and parking arrangements would be satisfactory and there is no evidence that highway safety would be compromised, or that local infrastructure would be unable to meet the needs of the development.
24. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
25. I am required to determine the appeal in line with the relevant policies of the development plan, unless material considerations indicate otherwise. As such the framework is a material consideration that weighs in favour of the scheme.
26. Nevertheless, the identified adverse impacts of the development in respect of living conditions, including a lack of appropriate amenity space would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

27. For the reasons given above, the proposal would conflict with the development plan in respect of the proposed living conditions for future occupiers and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR