

Appeal Decision

Site visit made on 10 February 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 February 2022

Appeal Ref: APP/X3540/W/21/3282037
26-28 Peddars Lane, Beccles NR34 9UE

- 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 G Boast against the decision of East Suffolk Council.
 - The application Ref DC/21/0933/FUL, dated 25 February 2021, was refused by notice dated 6 July 2021.
 - The development proposed is demolition of existing workshop and replacement with 2 residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing workshop and replacement with 2 residential dwellings in accordance with the terms of the application ref DC/21/0933/FUL dated 25 February 2022 and the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are firstly, whether the proposed development would preserve or enhance the character or appearance of the Beccles Conservation Area, and secondly, the effect of the appeal proposal on the living conditions of the occupiers of nearby dwellings with particular reference to privacy.

Reasons

Character and Appearance

3. The Beccles Conservation Area (BCA) covers a significant area comprising the historic core and medieval pattern of the town centre reflecting its escarpment position on the south bank of the River Waveney as well as various phases of town expansion in the Nineteenth and early Twentieth Century. As such the character of the BCA is varied including a mix of commercial, residential and community facility development commensurate with a rural market town. The variety in pattern of development includes areas such as the medieval core of the town which has incrementally grown in a more informal manner, together with more regimented street layouts of later Victorian expansion. As such the heritage significance of the BCA is its encapsulation of the wider historic fabric of the core of the town centre and its peripheral environs as the town experienced relatively rapid expansion in the Nineteenth Century.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. The National

Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance when considering the impact of a proposed development on the significance of a designated heritage asset.

5. The appeal site is located to the south of the town centre on Peddars Lane which is a wide arterial road connecting the historic thoroughfare of Blyburgate with the main London Road. The character of development on Peddars Lane is predominantly residential, albeit the pattern of development is not uniform. Modern infill housing development regularly occurs across the BCA, including on Peddars Lane.
6. The appeal site is positioned on the south side of Peddars Lane and to rear of a short but broadly identifiable line of two storey buildings. These generally take a terraced residential form albeit Nos. 26 and 28 Peddars Lane appear as a semi-detached pair with a commercial unit at ground floor level. The pattern of development is further altered by the gap between Nos. 30 and 28 Peddars Lane which allows for vehicular access to the side of these buildings, extending back to serve modern workshop buildings positioned beyond the rear building line in this part of Peddars Lane. This pattern is not uncharacteristic as demonstrated by the other buildings elsewhere along Peddars Lane that are similarly positioned back from the highway, including the large auction room building a short distance to the west, the depth and layout of both School Cottages and the nearby Drill Hall complex and the sizeable outbuildings to the rear of No.38 Peddars Lane. Consequently, there is appreciable variety in the pattern and layout of development along the southern side of Peddars Lane. As such, the position of the proposed dwellings would not harmfully effect the pattern of development in this part of Peddars Lane. The character of the BCA would be preserved.
7. The appeal site is currently occupied by a large workshop building. This building is not prominent in the street scene of Peddars Lane or the more historic Blyburgate until directly reaching the gap between Nos. 28 and 30. Due to the set-back position, similar would apply in relation to the proposed dwellings, such that they would not be conspicuous in wider views within this part of the BCA. In terms of their appearance, the proposed dwellings would be modestly proportioned, with elements of detailing characteristic of other traditional dwellings in the BCA. They would be very similar in appearance to the recently constructed dwellings at Nos. 1a-1d Peddars Lane immediately opposite the appeal site entrance. Overall, the proposed dwellings would represent an improvement to the locality by removing the ungainly form and limited quality of the workshop building. Accordingly, I find the appeal proposal would enhance the appearance of the wider BCA.
8. I therefore conclude there would be no harm to the heritage significance of the BCA or to the wider character of the built environment in this part of Beccles. The appeal proposal would respond appropriately to its particular context. Accordingly, there would be no conflict with Policies WLP8.29, WLP8.33 and WLP8.39 of the East Suffolk Council Waveney Local Plan 2019 (the WLP) which seek to ensure development represents high quality design that responds to the local context and the form of surrounding buildings, including a particularly high standard of design in conservation areas. In terms of achieving well-designed places, the appeal proposal would accord with NPPF paragraphs 126 and 130(a) (b), (c) and (e). In terms of conserving and enhancing the historic

environment the proposal would also accord with paragraphs 189 and 197 of the NPPF.

Living Conditions

9. The proposed semi-detached dwellings would be orientated to face north towards Peddars Lane. At first floor level there would be one modest side window on each flank elevation serving a bathroom. Whilst not indicated as such on the plans, a condition could be imposed to ensure these openings would be obscure glazed with limited opening. With such a condition in place, together with the modest size of the openings, there would be no harmful loss of privacy or perception of being overlooked in the private amenity areas to rear of nearby dwellings on Peddars Lane.
10. On the front elevation of the proposed dwellings there would be four windows at first floor level. The two smallest windows would serve en-suite accommodation and again these could be secured as obscure glazed through an appropriate condition. The other first floor windows would serve the main bedroom in each of the proposed houses. In respect of plot 1 the outlook from this bedroom window would be mainly towards the open gap between Nos.28 and 30 Peddars Lane which functions as the side accesses to both properties. It would also look across and down on the workshop building to the rear of No.30. Any corresponding views to the rear elevation and private amenity space of Nos.30 and 32 would be particularly oblique from this opening such that there would no harmful overlooking or significant perception of being overlooked. Similar would apply in respect of the oblique angle from the bedroom window of Plot 2 towards the rear gardens of Nos.20-24 Peddars Lane.
11. In respect of the relationship to the rear of Nos.24-28 Peddars Lane, the distance from the front elevation of the proposed dwellings is calculated by the Local Planning Authority (LPA) as being approximately 17-20 metres. Over such a distance the harm from any overlooking would be no more than moderate. Such limited harm would be offset to an appreciable degree by the removal of the existing large, bulky vehicle repair workshop building on the site including its potential to generate noise and disturbance harmful to the amenities of neighbouring dwellings. On balance, the appeal proposal would not have a significantly detrimental effect on the living conditions of nearby dwellings. The degree of separation, together with any residual perception of minor overlooking, would be characteristic in an edge of town centre location where development is generally efficiently arranged to make the best use of urban land resources.
12. I therefore conclude that there would not be a significantly harmful effect arising from the appeal proposal on the living conditions of the occupiers of nearby dwelling with particular reference to privacy. The appeal proposal would therefore accord with Policy WLP8.29 in terms of protecting the amenity of neighbouring uses.

Other Matters

13. The LPAs decision notice and representations from Beccles Town Council raise concern that the size of the proposed dwellings would not meet the Nationally Described Space Standard (NDSS). The standard is encouraged at paragraph 8.7 of the recently made Beccles Neighbourhood Plan but is not a policy

requirement of new development. Similarly, whilst the WLP seeks a high standard of design (Policy WLP8.29) and to carefully manage urban infilling to avoid cramped forms of development and unacceptable living conditions (Policy WLP8.33) there is not a development plan policy before me requiring compliance with the NDSS (as an optional technical standard)¹. On balance, any minor harm arising from the compact size of the dwellings would be more than offset by the benefits of delivering additional homes on brownfield land in a very sustainable location.

Conclusion and conditions

14. In respect of both main issues in this appeal I have found that the appeal proposal would accord with the development plan. It would make efficient use of previously developed land in a sustainable location with the additional benefit of removing an unsightly and unneighbourly 'backland' vehicle repair workshop building. The NPPF at paragraph 11c) states that development proposals that accord with an up-to-date development plan should be approved. I have considered all other matters raised but nothing leads me to conclude other than the appeal be allowed for the reasons given.
15. The LPA has suggested a number of proposed conditions which it considers necessary were the appeal to be allowed. I have considered the suggested conditions in light of the content of the Planning Practice Guidance on the use of conditions and the guidance at paragraphs 55 and 56 of the NPPF.
16. In addition to the standard time limit condition (1), a condition (2) requiring the development is carried out in accordance with the approved plans is needed in the interests of proper planning and for the avoidance of doubt. Conditions (3 & 4) requiring submission of details of external materials and openings are required to ensure a satisfactory appearance, particularly given the conservation area location. In order to not unduly delay development, the conditions do not need to be pre-commencement and I have amended them so that they are reasonably imposed once development has reached slab level. As set out under the second main issue in the decision, for the avoidance of doubt the openings to proposed bathroom and ensuite accommodation should be obscured glazed and with limited opening so as to protect the privacy of both neighbouring rear amenity areas and the future occupants of the proposed dwellings. As such I have imposed a condition (5) to secure this.
17. In respect of highway safety, a condition (6) is necessary to ensure the proposed off-street parking and cycle storage is in place prior to the occupation of the dwellings given the limited on-street parking in Peddars Lane. A similar condition (7) is necessary for highway safety and amenity reasons to ensure the proposed refuse storage facilities are in place prior to first occupation of the proposed dwellings. The Highway Authority has recommended a condition requiring implementation of electric vehicle charging points in order to promote sustainable transport choices. There is no development plan requirement for their provision before me. As such I do not consider the condition meets the tests at NPPF paragraph 56 in terms of being necessary, enforceable and reasonable in all other respects and so I have not imposed it.
18. Given a workshop building occupies the appeal site and has been in use for some time, a condition (8) to deal with unanticipated contamination is

¹ Planning Practice Guidance paragraph 56-018-20150327

necessary to ensure the safety of the occupants of neighbouring dwellings, the health of future occupants of the appeal proposal and the condition of the local environment more generally. Whilst not proposed by the LPA, given the proximity of nearby dwellings, I have imposed a recognisable condition (9) limiting the hours of demolition and construction at the appeal site in order to protect living conditions of nearby residents.

David Spencer

Inspector.

Schedule of 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: Location Plan, received 25/02/2021; Proposed block plan, received 25/02/2021; Proposed site layout plan, 26PLD, received 25/02/2021; and Proposed plans, 26PLC, received 25/02/2021.
- 3) There shall be no development above slab level unless and until details of all external facing and roofing materials have been submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the window and door details submitted, there shall be no development above slab level unless and until full details including materials and design of all windows and doors have been submitted to and approved by the Local Planning Authority in writing.
- 5) The dwellings hereby permitted shall not be occupied until the windows serving the bathrooms and ensuite accommodation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) The use hereby permitted shall not commence until the areas within the site on dwg. no. 26PLd shown for the purposes of manoeuvring and parking of vehicles and secure cycle storage have been provided. These areas shall be retained for such purposes at all times thereafter.
- 7) The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 26PLd shall be provided in its entirety before the development is brought into use and shall be retained for such purposes at all times thereafter.
- 8) In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the

scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 9) Demolition and construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Schedule ends.