
Appeal Decision

Site visit made on 9 December 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCIArb MCIL
an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Reference: APP/R3515/W/22/3302048
2 Salisbury Road, Ipswich, IP3 0NW

- 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 Mrs H Dieguez-Rodriguez against the decision of Ipswich Borough Council.
 - The application reference IP/21/01181/FUL, dated 14 November 2021 was refused by notice dated 13 January 2022.
 - The development proposed is the conversion of the existing building to form two flats.
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Decision

1. The appeal is dismissed.

Preliminary points

2. The description of the application that was given in the application form sets out a detailed schedule of work, as follows:
"Change one house into 2 flats. Downstairs into Ground Floor & Upstairs into First floor. UPSTAIRS – Put kitchenette into front room upstairs and adding a door at top of stairs to split from ground floor. Electrician to put in a water heater to heat water for radiators, bath/shower and handbasin/kitchen sink. Meter to be installed. DOWNSTAIRS – Install a door inside house, in hallway to separate from upstairs. Split the gas and electricity from upstairs by gas safety engineer and qualified electrician. Bathroom consisting of bath/shower, toilet and hand/washbasin installed downstairs."
3. It has been stated that conversion of the property to form two flats took place some time ago. There is no convincing evidence of that change, however, and the current proposal appears to be a new scheme, in any case. Indeed, the description of the proposed development that is given in the planning application is introduced by the words "Change one house into 2 flats", for which planning permission is now sought. In my view, therefore, the nature of the proposed "development" can more clearly be expressed as the conversion of the existing building to form two flats and that is the description that I have adopted in the banner headline, above.
4. Since the development which is the subject of this appeal has already been carried out, the application is to be treated as one made under Section 73A of the Town and Country Planning Act 1990.

Main issues

5. There are a number of main issues in this appeal. The first main issue is the impact of the proposed development on the provision of small scale family accommodation in the Borough. The second is whether the scheme would provide satisfactory living conditions for occupiers of the proposed new residential accommodation. The third is the effect of the proposed development on the residential amenities of neighbours (whether undue disturbance would be caused). The fourth is the effect of the proposal on European designated sites of interest for wildlife conservation.

Reasons

6. The appeal site is located in a closely built-up part of Ipswich, where there is some on-street parking pressure and densely developed residential streets are laid out with a preponderance of semi-detached houses. Salisbury Road is a side road off Felixstowe Road (the A1156), which is a main route out of the town, with some local shops and services.
7. Number 2 Salisbury Road is one of a semi-detached pair (with number 4). It is a modest two-storey house, constructed of brickwork with some decorative features, set behind a small front garden and with a relatively large back garden by modern standards.
8. It is asserted that the original house has previously been subdivided but no substantial and objective evidence of that has been provided (such as a Lawful Development Certificate). Indeed, it is also stated that the house has been used as a small House in Multiple Occupation, in the form of four "bedsits", which would not have given rise to a formal change of use to flats. I therefore conclude, on the evidence presented, that the existing building is to be categorised as a dwellinghouse, with two bedrooms, as shown on the submitted plans as "existing".
9. The conversion that is proposed in this appeal would provide a one-bedroom flat on each of the ground and first floors of the building.
10. The proposed development is subject to certain specific planning policies in the Development Plan for the Borough. Ipswich Borough Council's 'Core Strategy and Policies Development Plan Document Review' was adopted on 22 February 2017 and planning decisions are to be made in accordance with the Development Plan, in principle (unless material considerations indicate otherwise).
11. Planning Policies address the need for new housing, in terms of numbers and location but also in terms of the type of housing that is needed. Policy DM14 of the 'Review' is specifically intended to resist the subdivision of small houses. Policies also emphasise the need to achieve good standards for new residents and for the amenities of neighbours to be protected, notably at Policies DM30 and DM14(e) of the 'Review'.
12. Policy DM31 of the 'Review' is concerned with the natural environment and underpins the 'Suffolk Recreation Avoidance Mitigation Strategy'. This requires a financial contribution to be made in respect of new housing development, to mitigate recreational pressure on designated European sites in Suffolk.

13. Those Development Plan Policies are reinforced by the 'National Planning Policy Framework'. It includes the aims of promoting sustainable development and of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally and, although it is also recognised that appropriate change may include increased densities, that includes protecting existing residential amenities and providing good standards of accommodation for new residents as well as protecting the amenities of neighbours.
14. Standards of accommodation in new dwellings are set out in the 'Technical housing standards – nationally described space standard', which was published by the Government in 2015 and deals with internal space within new dwellings.
15. In this case, the existing house is rather small and the proposed subdivision would conflict with Policy DM14 of the 'Core Strategy and Policies Development Plan Document Review'. The resulting flats would themselves fall below the national standard in terms of floor areas, providing a poor standard of accommodation.
16. Moreover, the proposals do not indicate how, if at all, it is intended that adequate insulation would be provided to protect the residential amenities of neighbours. This would be a concern both in respect of the occupants of the new flats (who would each be subject to disturbance from the other) as well as the occupants of the neighbouring property, whose first floor bedroom would evidently be located alongside the living space of the new first floor flat at number 2. Nor would it be possible to overcome these objections by the imposition of conditions, due to the uncertainties about the existing construction (and the poor quality of the scheme drawings).
17. Thus, the new conversion would comprehensively fail the requirements to provide satisfactory standards of accommodation for both new residents and existing neighbours, while bringing about the loss of a modest unit of family accommodation.
18. The requirement for a financial contribution to support the 'Suffolk Recreation Avoidance Mitigation Strategy' is a clear requirement in respect of new residential development and, from the evidence submitted, I do not accept that the current scheme deserves to be exempted. I am not convinced that the house has previously been subdivided for the "upstairs and downstairs to be classified as two separate entities", as claimed, and I can find no good reason in this case for the requirement not to apply.
19. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms. Nevertheless, the proposed development would result in the conversion of a smaller family house, contrary to planning policy, which supports the retention of small and modest sized family housing. Moreover, the scheme would produce substandard new flats. The new flats would give rise to undue disturbance to neighbours and to each other. In addition, the proposal would have an adverse effect on European designated sites of interest for wildlife conservation, by failing to make an appropriate financial contribution to support the 'Suffolk Recreation Avoidance Mitigation Strategy'.

20. I am conscious that the local planning authority is not currently able to demonstrate that it has an adequate five-year supply of land for housing (as stated in the Refusal Notice). Even so, I am convinced that the objections to the proposed development very significantly and demonstrably outweigh the supposed benefits.
21. I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR