



Appeal Decision

Site visit made on 11 October 2023

by Nick Bowden BA(Hons) DIP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2023

Appeal Ref: APP/X3540/W/23/3319788

63 The Avenue, Lowestoft, Suffolk NR33 7LH

- 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 Butcher against the decision of East Suffolk Council.
 - The application Ref DC/22/4965/FUL, dated 20 December 2022, was refused by notice dated 22 March 2023.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Lowestoft Conservation Area (CA).

Reasons

3. The appeal site comprises a parcel of land to the rear of 59-63 The Avenue with access taken via a single track lane from between 64 and 66 Walmer Road.
4. The Avenue forms part of the wider CA and is noted in the appraisal as being within The Avenue character area. This discrete character area is strongly defined by detached and semi-detached two and three storey late 19th and early 20th century homes with examples of later infill homes, particularly towards the northern end of the CA. Number 63, as a bungalow, presents as a slight anomaly but nevertheless respects the pattern of development and evolution of the area.
5. The street is wide and lined by mature trees to both sides. Individual homes are all set back from the road with generous front and rear gardens. The rear gardens to all homes along the street remain open with evidence of no more than a few modest domestic outbuildings. This, overall, contributes to a pleasing sense of defined and verdant spaciousness.
6. As such, the significance of this character area to the CA is the arrangement of individual homes, many of which are large and imposing yet finely detailed. The homes are arranged in a fairly linear fashion with ample space to the front leading on to the wide tree lined street, to the sides and to the large rear gardens.
7. The construction of a new dwelling would alter this pleasing character by introducing substantial additional built form into the long back garden area. This is a distinct difference to the otherwise small scale sheds and outbuildings

which otherwise populate these areas. The size of the plot may be of a comparable size to, or larger than, other plots within the CA, but the arrangement of the site is inconsistent with the remainder of those in the area as these all address The Avenue.

8. The proposed dwelling itself is of a near identical design to the existing bungalow at number 63. Number 63 remains a relatively late, albeit clearly not the last, addition to the CA. As is noted in the CA appraisal, it makes a positive contribution to the area despite its concrete roof tiles and differing form. It is explicitly noted as being an example of twentieth century bungalow development. Indeed, setting aside its somewhat uncharacteristic design, it still reflects the form and layout of other homes in the area and reads comfortably as a sympathetic, more recent, addition. The proposed dwelling, to all intents and purposes, simply replicates this design in an unsympathetic position. Moreover, simply because the design is a derivative of an existing building, this does not render it an acceptable addition to the area and does not equate to a high quality design as is required by policies WLP8.29, WLP8.33 and WLP8.39 of the East Suffolk (Waveney) Local Plan 2019 (ESLP).
9. Views of the new dwelling would likely be limited from along the Avenue given the distances, intervening buildings and existing well established landscaping. However, it would be visible from the rear rooms of homes addressing The Avenue, from those gardens and from views into the CA from Walmer Road via the small service lane that accesses the site. From these views, the loss of the characteristic undeveloped garden areas would be obvious.
10. I have noted references to other recent decisions within the CA. Inverary, at the south end of The Avenue, comprised a change of use of a former social club to two new dwellings and a new bungalow. I do not have full details of the design of the new bungalow but note that this new dwelling retained its own street frontage, albeit well concealed behind existing mature landscaping. Number 17 Yarmouth Road is set in a different character area of the CA. Further this scheme also appears to be a redevelopment to replace a garage and retained its own road frontage. These differences are sufficient for them to be regarded in a differing context and are laid out in a manner that has regard to the established pattern of development.
11. I accept that the overall site size is comparable to, or indeed greater than, many other plot sizes in the remainder of the CA. However, the harm arising from this proposal stems from its location and relationship with surrounding development, not from the site size.
12. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In making this assessment I have also had regard to paragraph 201 of the National Planning Policy Framework (the Framework). I conclude that the introduction of a new dwelling with this design, awkwardly positioned plot and loss of a traditionally undeveloped area of land, that are important to the significance, would harm the character and appearance of the CA.
13. The Framework advises, at Paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing

justification. Accordingly, while less than the substantial harm referred to in Paragraph 201 of the Framework, the harm to the CA is nevertheless a matter of considerable importance in this case.

14. Paragraph 202 of the Framework also requires that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The only public benefit in this instance is the addition of a new dwelling to the supply of housing. However, that benefit is minimal and cannot outweigh the identified harm to the CA.
15. For the reasons given above I conclude that the proposed new dwelling would fail to preserve or enhance the character or appearance of the CA. It would, therefore, conflict with Policies WLP8.29, WLP8.33 and WLP8.39 of the ESLP. These policies require development to respond to the local context and be of a particularly high standard of design and materials within conservation areas. These policies are consistent with the Framework which promotes high quality design that is sympathetic to local character and history.

Conclusion

16. The proposed development conflicts with the development plan when read as a whole. There are no material considerations before me, including the provisions of the Framework, that outweigh the harm I have identified. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

Nick Bowden

INSPECTOR