



Appeal Decision

Site visit made on 8 January 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/X3540/W/23/3324086

29 Lower Olland Street, Suffolk NR35 1BY

- 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 Zeeshan Farooq against the decision of East Suffolk Council.
 - The application Ref DC/22/3184/FUL, dated 30 June 2022, was refused by notice dated 19 December 2022.
 - The development proposed is the conversion of commercial building to 2 no. residential properties.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In December 2023, the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. The revisions to the Framework are not material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Bungay Conservation Area (CA) and the effect on the significance of the non-designated heritage asset;
 - the effect of the proposed development on biodiversity, with regard to a protected species (Bats); and
 - whether the proposal would provide adequate waste and recycling storage facilities.

Reasons

Conservation Area and non-designated heritage asset

4. The appeal site occupies a prominent position adjacent to the junction between Lower Olland Street and Wharton Road. The site is within the CA, which covers a large part of Bungay. Paragraph 205 of the Framework states 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.

5. The CA includes the town centre, which is focussed on the castle, market, nunnery and St Mary's Church as well as the confluence of several roads through the town. The CA derives its significance from its connection to the river Waveney, both in how the town developed and how it influenced its economic prosperity and industry.
6. Lower Olland Street forms one of the main approaches to the town centre where the tower of St Mary's Church is visible. The site is within the Ollands Character Area, a largely residential area which is typified by early to mid-nineteenth century brick terraced houses with pan tile or slate roofs. Development is primarily two-storey in scale arranged in a linear form positioned to the back edge of footways on either side of the streets.
7. The building at the site is distinguishable from the surrounding development and, in combination with its prominent position, makes a positive contribution to the CA. The building is a locally listed building and therefore is considered to be a non-designated heritage asset (NDHA). Paragraph 209 of the Framework states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The former fire station building retains much of its original form, with few alterations, including within the roofslopes and the external walls. The decorative Dutch gables of the building reflect those of the former seventeenth century almshouses that previously occupied the site. The pleasing appearance of the building is further supplemented by its attractive detailing, including the bond of brickwork and pargetress plates. Plaques commemorating the former buildings at the site and the construction of the current building are positioned either side of the central entrance façade. The wide entrance doors are an important feature of the building relating to its former use. The building is distinct in the locality and derives its significance from its stylish design and its former use as a fire station serving the local area.
9. The proposal seeks to convert the building into two dwellings. As part of the works to convert the building, large rooflights would be inserted into the front and rear roofs and to the central entrance element. Rooflights are uncommon in the front roofs in the CA, particularly within Lower Olland Street and Wharton Street. Whilst less intrusive than a dormer window, the size and number of openings would significantly disrupt the expanse of roof. Moreover, the addition of the rooflights would result in the domestication of the building harming its significance.
10. Although the rooflights would provide natural light and ventilation, the addition of several large openings into the front and side roofslopes would be detrimental to the appearance of the building and the area, interrupting the unbroken roofs in the vicinity of the site. The front roof and those of the central entrance element are particularly prominent within the street scene, consequently the openings would have a disproportionate visual effect on the surroundings.
11. In addition to the rooflights, two entrance doors would be inserted either side of the central entrance element. The position of the proposed doors would jar

with the existing entrance doors on the front elevation. The addition of the doors in a prominent position would detract from the primacy of the existing doors and would harm the character of the building. In addition, the two entrance doors would require the removal of the commemorative plaques. The plaques are important features of the building detailing the history of the site and their removal would cause additional harm to the significance of this non-designated heritage asset. The appellant has suggested that the plaques could be retained and their repositioning controlled by condition. However, no further details have been presented that either reposition the doors or the plaques. I cannot therefore be certain that a suitable form of development could be achieved and thus a condition would not be appropriate. In any event, the unsympathetic layout of the doors, either side of the existing entrance, would still detract from the former fire station's character.

12. Development at the site would have a high visual impact on the surroundings given the prominence of the site and the busyness of Lower Olland Street and Wharton Street. As such, the unsympathetic works to convert the building would cause unacceptable harm to the significance of the CA. The harm to the significance would be less than substantial. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. The proposal would reuse an existing building and would provide two dwellings making a small contribution to housing supply. The dwellings would be within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. Furthermore, whilst the reuse of the building would extend its life and the residential use of the building would likely be the most appropriate use, I am not persuaded that the scheme before me represents the only way of securing the building's future. However, the contribution of two dwellings and the associated benefits are limited by the scale of development proposed and would not outweigh the harm identified to the CA and the NDHA.
14. I conclude that the scheme fails to preserve or enhance the character or appearance of the CA and would unacceptably harm the significance of the NDHA. The proposal therefore conflicts with Policies WLP8.29, WLP8.38, WLP8.39 of the Waveney Local Plan (2019) (the WLP) and Policy CH1 of the Bungay Neighbourhood Plan (2022), which collectively require development to understand the form and character of the historic environment, complement local character and preserve or enhance the character or appearance of the area. It would also conflict with the Framework, which requires great weight to be given to the conservation of heritage assets.

Protected species

15. The Council's second reason for refusal relates to the failure to provide sufficient information to demonstrate that the proposal would not have an adverse impact upon bats, having regard to their status as protected species under the Wildlife and Countryside Act 1981 and as European Protected Species under the Conservation of Habitats and Species Regulations 2017.
16. The appellant commissioned a Preliminary Ecological Appraisal and a Preliminary Roost Assessment dated May 2023. The survey found that suitable roosting features were present within the building. Whilst the building was

assessed to provide low value to roosting bats, it was recommended that a bat emergence or re-entry survey is required. No evidence has been presented to demonstrate that the emergence or re-entry survey has been carried out and that the results show an absence of bats or that their presence can be mitigated. On this basis, I cannot be certain that the development would not have an adverse impact upon bats.

17. I conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on biodiversity, with regard to bats. The development therefore conflicts with Policy WLP8.34 of the WLP, which requires proposals to be sensitive to, and make provision for, the needs of protected species or habitat. It also conflicts with the Framework, which states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Waste storage

18. The external space at the appeal site is limited, due to the position of the building adjacent to the footway to the front and side of the site. The site is further constrained to the rear by a narrow passageway and the building adjoins the neighbouring property at Grace Cottage.
19. No details have been provided identifying the location for waste and recycling storage facilities. Sufficient space would be required given that the collections for either waste or recycling is typically on alternate weeks. The appellant submits that such details can be secured via condition. However, for such a condition to be acceptable it must be feasible that there is capacity within the site to achieve a reasonable solution. Given the constraints of the site, including its location in the CA, I cannot be certain that adequate waste and recycling storage within a suitable position can be provided.
20. I conclude that the proposal would not provide adequate waste and recycling storage facilities. The development therefore conflicts with Policy WLP8.29 of the LP, which requires the incorporation of adequate provision for the storage and collection of waste and recycling bins.

Conclusion

21. The proposal would not accord with the development plan as a whole. There are no material considerations, which would indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR