



Appeal Decision

Site visit made on 8 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2025

Appeal Ref: APP/X3540/W/24/3346965

Land adjoining 3 Winston Avenue, Lowestoft, Suffolk NR33 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Alger of D.D.Alger and Partners against the decision of East Suffolk Council.
 - The application Ref is DC/24/0761/OUT.
 - The development proposed is erection of single storey dwelling and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline with access to be considered. Matters relating to appearance, landscaping, layout and scale are reserved for future consideration. As such, I have treated the dwelling shown on the submitted plan as indicative only.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to the provision of private amenity space.

Reasons

Character and Appearance

5. The appeal site lies within the built up area of Lowestoft. Notwithstanding the presence of a primary school immediately adjacent to the site, it is within a predominantly residential area. Its immediate surrounds are characterised by neat

plots housing bungalows. These tend to occupy the full width of the plot but have a reasonable length of private amenity space to the rear.

6. The appeal site is very small in comparison to the surrounding plots having a restricted width, depth and a taper towards the rear of the site. As a result, any dwelling would clearly be at a much smaller scale than those in the surrounding area due to the overall plot size. There would be a greater proportion of built form on the plot in comparison with those in the surrounds. It would appear as cramped and poorly related to the prevailing form of development in the area. Consequently, the development of a dwelling on this site would appear as an incongruous feature in the area.
7. The appellant has directed me to a development on Paddock Hill, a very short distance from the appeal site. This was granted permission in 2021 and is markedly similar to the appeal proposal in terms of development and plot size. When viewed from the street, it is not inherently incongruous with the character and appearance of the area. However, it is shown in plan form on the location plan. This shows the dwelling to be disproportionately large in relation to the size of the plot, while the plot is incongruously small compared with the scale of surrounding plots. Despite the similarities between the proposals, national policy and the same development plan being in force at the time of that decision, I do not consider that approval is a material consideration of sufficient weight to justify my reaching a different conclusion on the proposal before me. The appellant has also directed me to 36 Winston Avenue, however this plot is considerably longer than the appeal site, resulting in a dwelling and private amenity space commensurate with those prevailing in the surrounding area.
8. The proposal would have an adverse effect on the character and appearance of the area. It would therefore be contrary to Waveney Local Plan (adopted March 2019) Policies WLP8.29 and WLP8.33 which taken together and insofar as they relate to this appeal, require development to respond to local context and the form of surrounding buildings in relation to overall scale and site coverage, and not generate a cramped form of development.

Living Conditions

9. The indicative plans and the written evidence before me suggest that at least 120sq m of amenity, parking and turning space could be provided on the site. However, it is likely that much of this space would be to the front of the property and given over to parking and turning space.
10. Any private amenity space to the rear of the property would likely be north facing and notably short in length. It is therefore unlikely that this would provide an attractive space for users to enjoy which would be proportionate to any dwelling brought forward on the site. The fact some people may wish a small garden would not be of sufficient weight to overcome the harms I have identified. Nor is there any mechanism before me which would restrict occupation of the property to older occupiers.
11. The proposal would not provide acceptable living conditions for future occupiers with particular regard to the provision of private amenity space. It would therefore be contrary to LP Policy WLP8.33 which requires development to provide attractive, usable and proportionately sized amenity spaces for future occupiers of the proposed development.

Other Matters

12. The appeal site is within the zone of influence for the Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy, where European sites are subject to pressures from recreational disturbance. The appellant has paid a contribution towards mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the European sites and if any mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the European sites, with or without any mitigation, would be at best a neutral matter.
13. Irrespective of the Council's housing land supply position, there would be a benefit from the delivery of an additional dwelling given the Government's objective to boost significantly the supply of housing. As a small site, it is also likely that the site could be delivered quickly. There would also be economic benefits arising during the construction and occupation stages of the development. Biodiversity enhancements could be secured.
14. The site lies within an existing urban area with access to services and facilities where the development plans seeks to deliver a high level of housing. The indicative plans show that the site would be capable of hosting a dwelling that would meet the nationally described space standard for a one bed, two person property. The site is not at any undue risk of contamination or flooding. However, these are to be expected of any well designed development and would therefore be neutral in my assessment.
15. There is no reason the siting of a dwelling in this location would result in any conflict with the adjacent school. Appearance, landscaping, layout and scale would be assessed at the reserved matters stage. It would also be at that stage the effect on neighbouring occupiers and the highway network, including provision of parking, would be assessed. The absence of pre-application discussions would not alter my assessment of the proposal, nor would discussions by any party with other bodies.

Planning Balance and Conclusion

16. The Council has not been able to confirm whether it can demonstrate a five year supply of housing land following the update to the Framework. The appellant, while not directly challenging this, casts some doubt. I make no finding in this regard.
17. However, even if paragraph 11d)ii of the Framework were to be applied, the proposal would not benefit from the presumption in favour of sustainable development. The proposal would provide a dwelling in a sustainable location, with economic benefits and in principle make an effective use of land. However, against these benefits would be the adverse impacts in respect of the effects on the character and appearance of the area and the living conditions of future occupiers. These bring the proposal into conflict with paragraph 135 of the Framework in so far as it requires development to add to the overall quality of the area, maintain a strong sense of place using the arrangement of streets and spaces to create attractive places and provide a high standard of amenity for users. My conclusion on the proposal would therefore not be altered.

18. The appeal proposal conflicts with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR