
Appeal Decision

Site visit made on 19 May 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/X3540/W/24/3355364

Land East of Peach House, Wentworth Road, Aldeburgh IP15 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Balls of Megahart Developments Limited against the decision of East Suffolk Council.
 - The application Ref is DC/23/4781/FUL.
 - The development proposed is erection of single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Concern has been raised by interested parties about the ownership certificates served as part of the application. The Council has not raised any concerns in this respect, and the appellant has set out in their written evidence that their submission is accurate. I am therefore satisfied I can proceed to determine the appeal.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the development having regard to the risk of flooding; and
 - the effect of the proposal on the character and appearance of the area with particular regard to the Aldeburgh Conservation Area.

Reasons

Flood Risk

4. The Council's third reason for refusal did not refer to any policy in the development plan. I have been provided with a copy of Suffolk Coastal Local Plan (adopted 23 September 2020) (LP) Policy SCLP9.5, and the appellant has referred to this in their statement. I am therefore satisfied there would be no prejudice to any party in the appeal proceeding.
5. A large part of the site is shown in the submitted Flood Risk Assessment as being at high risk of surface water flooding as shown on Environment Agency mapping. Paragraph 173 of the Framework confirms that a sequential, risk based approach

to the location of development should be taken which takes into account all sources of flood risk.

6. It is asserted that the site is at a very low risk of surface water flooding and that the Environment Agency surface water flood risk maps are indicative only. However, there is no substantive evidence before me to justify this. Consequently, on the basis of the evidence before me, it is necessary for the proposed development to be subject to the sequential test.
7. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) do not suggest that the sequential test is primarily aimed at large landholders or multi-site developers. The PPG is clear that sites do not need to be owned by the appellant in order to be reasonably available. Nor is there any exception on account of a site being within an existing residential area. The appellant's conclusion that it is not practical or warranted to consider other sites through the sequential test is not one supported by the advice in the Framework or the PPG. It has therefore not been demonstrated that the development has been steered to an area with the lowest risk of flooding from any source.
8. There is no requirement in the Framework or PPG to apply the exceptions test to development at risk of surface water flooding. Notwithstanding, paragraph 181 of the Framework requires that development requires residual risk to be safely managed, and that the development be appropriately flood resistant and resilient. The FRA refers to the dwelling being located to the rear of the site where flood risk is lowest, but this is not the case for the areas of the site at the highest risk of surface water flooding. The proposed finished floor level relates to the lowest freeboard level above the projected climate change flood level. I have not been directed to any evidence which demonstrates that this level would be appropriate with respect to the potential level of surface water flooding at the site.
9. I therefore cannot be certain that the site is a suitable location for the development having regard to the risk of flooding. It would fail to comply with LP Policy SCLP9.5 and the advice in paragraph 173 of the Framework that a sequential, risk based approach should be taken to individual applications and in paragraph 185 that any residual risk has been safely managed or that the dwelling would be appropriately flood resistant and resilient.

Character and Appearance

10. The site lies within the Aldeburgh Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its historic interest in evidencing the development of Aldeburgh, although mostly from 1800 as a result of coastal erosion. Its significance is also derived from its architectural interest due to the range of uses and styles of buildings.
11. The Aldeburgh Conservation Area Appraisal Supplementary Planning Document (December 2013) (CASPD) identifies the site as being within the Market Cross Place Character Area. This notes the strong sense of enclosure provided by the taller buildings and development being positioned at the back of the pavement. The twin gables of Eaton House are noted as being important features.

12. The site is identified as being within an important open/green/tree space on the Conservation Area Appraisal Map. However, it is not itself specifically identified in the supporting text as a green or open space that makes a specific contribution or could be improved. While the Heritage Statement confirms that the site was historically part of the garden serving Eaton House, this is no longer discernible from the layout of the area, which has modern dwellings to the side and rear of the site. The high walls around much of the site close it off from public view, with only the smallest view of the site available through the access.
13. The appeal site, with its limited space does not appear as an open space in the way that the expansive public and private spaces elsewhere in the CA do. It now appears as an incongruous gap site along Wentworth Road which is otherwise characterised by a range of buildings which reflect the time in which they were built, many of which are accurately identified in the CASPD as contributing positively to the CA.
14. The Council's position is predicated on the importance of the site is that it is a counterpoint to the dense urban townscape of Wentworth Road. However it is that townscape which characterises the street at present. The boundary wall makes a positive contribution to the significance of the CA. It also supports the sense of enclosure that is characteristic of the street. It is proposed that this would be retained and this is an important positive factor in my assessment of the proposal.
15. The proposed dwelling would be sited towards the rear of the site and be U-shaped. It would be single storey, with a stepped floor level reflecting the topography of the site. It is also proposed that it would have a green roof. It would not be visually prominent in the street, but that would be an appropriate response for this site, as it would otherwise obscure the views of the gables of Eaton House. The low form would also allow glimpsed views through to the trees on the open space to the rear of properties on Wentworth Road.
16. While parking and turning space would be provided to the front of the site, these would not be prominent in the street scene due to the retention of the boundary wall. The simple, modern lines of the proposal would contrast with the surrounding development, but this would be consistent with the nature of the contrasting styles that typify the period over which the built form has developed. While the design of the proposal could be enhanced, given that I consider the site is currently an incongruous feature in the CA, I conclude the proposal would, albeit in a minor way, enhance the character and appearance of the CA.
17. The proposal would have an acceptable effect on the character and appearance of the area and would enhance the CA. It would therefore be in accordance with the requirements of the Act, Section 16 of the Framework and LP Policies SCLP11.1, SCLP5.7, SCLP11.3 and SCLP11.5 which require proposals to be well designed, the scale and design of a proposal to not result in harm to the street scene and for development in the CA to preserve or enhance its character or appearance.

Other Matters

18. The appeal site is within 13km of the Sandlings Special Protection Area (SPA) and the Alde Orr Estuary SPA which are subject to pressures from recreational disturbance. 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

site 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.

19. The site also falls within the AONB which is designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) (CRoW) places a duty on me to seek to further these purposes. Had I been minded to allow the appeal, it would have been necessary for me to examine this matter further.
20. There would be a benefit from the delivery of an additional dwelling, even though the Council can demonstrate a five year supply of deliverable housing land in the Suffolk Coastal area. There would be economic benefits during the construction and occupation stages of the proposal. The dwelling could be constructed in a way that minimised its energy use. However these benefits would all be limited given the proposal is for a single dwelling.
21. Appropriate landscaping could be secured by condition, as could the provision of cycle parking. The proposal would be compliant with the building regulations as regards disabled access and waste storage could be provided on site. However these are all to be expected of any well designed development and so are neutral in my assessment.

Conclusion

22. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, 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