



## Appeal Decision

Site visit made on 8 December 2020

by **David Reed BSc DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21<sup>st</sup> December 2020

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**Appeal Ref: APP/X3540/W/20/3253379**

**Land rear of 17 Yarmouth Road, Lowestoft NR32 4AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Graham Searle against the decision of East Suffolk Council.
  - The application Ref DC/20/0648/OUT, dated 14 February 2020, was refused by notice dated 8 April 2020.
  - The development proposed is to demolish the existing double garage and to replace it with one single storey dwelling accessed from Royal Avenue.
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### Decision

1. The appeal is allowed and permission is granted to demolish the existing double garage and to replace it with one single storey dwelling accessed from Royal Avenue at land rear of 17 Yarmouth Road, Lowestoft NR32 4AW, in accordance with the terms of the application, Ref DC/20/0648/OUT, dated 14 February 2020, subject to the attached schedule of conditions.

### Preliminary Matter

2. The application is in outline with all matters reserved and with no illustrative plans submitted. The appeal is therefore considered on this basis, taking into account that the Council would be able to control the details of the proposal through reserved matters applications in due course.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area, including the effect on the North Lowestoft Conservation Area (CA); and
  - whether the proposal would provide acceptable living conditions for future occupiers in relation to privacy and outlook.

### Reasons

#### *Character and appearance*

4. The proposal is for a single storey dwelling on a plot of land to the rear of No 17 Yarmouth Road, a large early Edwardian end of terrace property facing towards Bellevue Park. The site previously formed part of the substantial rear garden of No 17 but has been severed for many years and is now in separate ownership. The site has direct access from Royal Avenue.

5. The site was granted planning permission for a dwelling on appeal in 1984; this was subsequently renewed in 1990 but expired in 1993<sup>1</sup>. The Council do not argue that there have been any significant physical changes to the immediate locality in the meantime, rather that the relevant policies have changed, in particular that the site is now included in the North Lowestoft CA.
6. The plot is a good size to accommodate a single dwelling, and, contrary to the Council's assertion, generous in relation to the majority in the vicinity. The nearby terraced houses in Royal Avenue occupy narrow, small plots whilst on Yarmouth Road only No 11 retains a large rear garden, Nos 19-23 having narrow, restricted plots and those of Nos 9 and 7 being reduced in size by redevelopment to the rear. The plot would be similar in size to that now occupied by No 17. The arguments that the proposal would not be in keeping with the density of the area, would be overly cramped and have inadequate amenity space compared to its neighbours are therefore unfounded.
7. The site is currently occupied by a large double garage of no conservation merit which sets a precedent for a building on the plot and demonstrates the single storey proposal would be acceptable in physical impact terms. It would not be intrusive or overbearing as claimed by the Council. The garden fences/hedges which separate the site from adjacent properties provide adequate screening for their occupiers and the unbroken flank wall of The Old Coach House to the south east precludes any impact on that house. Part at least of the brick wall lining Royal Avenue would be lost to create an access for the new dwelling but this is a truncated section with a patchwork of different walling on either side and five breaches for parking spaces or garages within a short distance. There is an existing open driveway next door. The details of the access and associated walling could be controlled by condition.
8. The site lies at the very edge of the North Lowestoft CA which includes the properties facing Bellevue Park but not The Old Coach House (which served an earlier large house in the area) or the terraced houses on Royal Avenue. The CA is focussed around the High Street to the south and Bellevue Park to the north, a late Victorian public park surrounded by high-status Victorian and Edwardian Villas such as those facing Yarmouth Road. The appeal site forms part of the original rear garden of one of these villas, but breaching the rear wall and developing the site with one single storey dwelling would not affect the understanding of the significance of No 17 as a property or the overall Bellevue Character Area as a wealthy suburb of the growing Victorian town. Whilst no heritage assessment has been provided in this instance, a suitably designed dwelling would not appear alien and discordant in this location as claimed by the Council, indeed there are examples of development in similar 'rear garden' locations nearby, for example behind Nos 9 and 7.
9. For these reasons the proposal would not harm the character and appearance of the area and would also preserve the character and appearance of the North Lowestoft CA, thus meeting the statutory test. The proposal would also comply with Policies WLP8.29, WLP8.33, WLP8.37 and WLP8.39 of the Waveney Local Plan 2019 (WLP). These require high quality design which responds to local context, support housing on garden sites in keeping with the character and density of surrounding development, seek to conserve heritage assets and their settings and ensure proposals preserve or enhance designated CAs.

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<sup>1</sup> Appeal reference T/APP/T3535/A/84/012408/PE4, 1990 permission W2448/3.

*Living conditions*

10. The rear elevation of the new single storey dwelling and its private rear garden would face towards the rear elevation of No 17 and its neighbours. These are large two storey properties with a series of first floor windows and some second floor dormer windows facing towards the appeal site. Whilst these would overlook the new property, such relationships are not uncommon in the area and the separation distance would be sufficient to provide both adequate privacy and an acceptable outlook for future occupiers.
11. The proposal would therefore provide acceptable living conditions for future occupiers in relation to privacy and outlook in compliance with WLP Policies WLP8.29 and WLP8.33. These seek to ensure a good standard of amenity for future occupiers of proposed properties and that their living conditions are not unacceptably harmed by overlooking.

*Other matters*

12. Creating an access for the new property would marginally reduce the capacity of on street parking in Royal Avenue but there are no parking restrictions at present along the road to indicate excessive parking demand. Whilst additional competition for on street spaces in the area may lead to some inconvenience, this is not a sufficient reason to withhold permission.
13. The new dwelling would lie within 13 km of European Designated Sites where additional visitor pressure may adversely affect the integrity of the habitats concerned. However, the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy has identified a series of suitable measures to address this issue and the appellant has made the necessary contribution to the Council. There is consequently no objection to the proposal in this respect.
14. The Council has suggested six conditions should the appeal be allowed and I have assessed these against the relevant tests, making minor amendments as necessary. In addition to the standard time limits for approval of reserved matters and scheme implementation a condition to require mitigation of any contamination is necessary to protect future occupiers and further conditions to control details of the site access, prevention of surface water discharges and parking/manoeuvring space in the interests of highway safety. Two additional conditions are required to control satisfactory waste/recycling storage and the means of enclosure along the site frontage to ensure the development has a satisfactory appearance in the street scene.

**Conclusion**

15. The proposal would provide an additional dwelling which would help meet local housing needs and have social and economic benefits for the area. It would not harm the character and appearance of the area, would preserve the character and appearance of the North Lowestoft CA and provide acceptable living conditions for future occupiers.
16. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

## **Schedule of Conditions**

1 a) Application for approval of the reserved matters must be made within three years of the date of this outline permission and then

b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the approval of the last of the reserved matters, whichever is the later date.

2 Details relating to the access, layout, scale, appearance, and landscaping of the site (the "reserved matters"), shall be submitted to and approved by the Local Planning Authority before any development is commenced.

3 In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the LPA. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is submitted to and approved in writing by the LPA. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be submitted to and approved in writing by the LPA. Where remediation is necessary a detailed remediation method statement (RMS) must be submitted to and approved in writing by the LPA. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The LPA must be given two weeks written notification prior to the commencement of the remedial works and the approved RMS must be carried out in its entirety. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA prior to any further development of the site.

4 No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall then be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form at all times.

5 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall then be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form at all times.

6 Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be carried out in its entirety before the development is brought into use and shall be retained at all times thereafter and used for no other purpose.

7 Before the development is commenced details of the waste and recycling storage arrangements for the property shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be carried out in its entirety before the development is brought into use and shall be retained at all times thereafter.

8 Before the development is commenced details of the walling or other means of enclosure along the Royal Avenue frontage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be carried out in its entirety before the development is brought into use and shall be retained at all times thereafter.