

Appeal Decision

Site visit made on 15 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 05 October 2016

Appeal Ref: APP/R3515/W/16/3148093

46 Thackeray Road, Ipswich, Suffolk IP1 6JA

- 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 Matthew Heather against the decision of Ipswich Borough Council.
 - The application Ref IP/16/00069/FUL, dated 22 January 2016, was refused by notice dated 15 March 2016.
 - The development proposed is described as severance of land from 46 Thackeray Road and erection of detached dwelling (revised proposal to IP/15/00038).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - a. The character and appearance of the area; and
 - b. The living conditions of occupants of neighbouring properties.

Reasons

Character and appearance

3. No 46 is a semi-detached house at the corner of Thackeray Road and Spenser Road in a post-war housing estate. Several pairs of semi-detached houses, together with some terraced housing, surround the appeal site and have a generally uniform appearance of moderately sized suburban dwellings. The appeal property exemplifies the planned, spacious and open character of the estate where several frontages are bounded by established hedgerows.
4. The new detached 2 bed two-storey dwelling would be some 2.3m from the rear garden of No 48 Thackeray Road at the closest point and 1.3m from the boundary with 75 Spenser Road. The appeal plot would contain two off-street parking spaces positioned in tandem to the side of the new dwelling.
5. The appeal scheme is a revision of an earlier scheme refused on appeal.¹ The Inspector found that the appeal plot was typical of development at junctions in the area that was more generously spaced with side and rear gardens exposed to views from the street. I would agree with this assessment. The space

¹ APP/R3515/W/15/3035616

- between the rear of No 46 and the flank wall of No 75 is prominent in the street scene and is part of a locally distinctive pattern of development.
6. The new dwelling would be reduced in scale and height, and redesigned to a 'cottage' style. However it would be sited closer to No 46 (7.5m as opposed to 8.9m previously), and the proposed front elevation would increase in width to 8.2m (as opposed to 6.1m previously).
 7. The indicative street elevation shows the front of the new dwelling from a single perspective directly opposite. Whilst this emphasises the appearance of spaciousness between the adjacent dwellings, I observed that in more dynamic views of the appeal site from both directions of Spenser Road, the plot is too restricted to allow for the new two-storey house to sit comfortably between its host and No 75 without appearing to be squeezed into the intervening space.
 8. Although it would be built with materials to match its neighbours, the new dwelling would appear awkwardly sited and out of place. As such it would undermine the spatial relationship among the rest of the properties at this junction. Although commensurate with the building line to the north on Spenser Road, its south-east corner would be prominently forward of the east elevation of its host. Its smaller scale and single storey elements would give it an odd looking appearance alongside the more substantial and less articulated built forms of the pairs of semi-detached dwellings that would surround it.
 9. The proposal would also entail a reduction to 0.6m of the 2m high hedge at the eastern side of the host property to satisfy the local highway authority's requirement for adequate visibility at the new access. The loss of an established boundary treatment to this degree adds to my concern that the proposal would detract from local character.
 10. Other examples of development have been provided that have similar separation distances between properties. I do not have full details of these and cannot be sure that they are similar although I note that the Boston Road development relates to the immediately adjacent small rows of terraced housing, which is a different local context to the appeal site. None of the examples is within the area where the appeal site lies and from what information has been supplied, none provide a compelling reason to allow the appeal proposal, which I have considered on its own merits.
 11. I conclude on this issue that the proposal would appear as a cramped development on a restricted plot that would detract from the spaciousness of the host property and adjacent housing, which is a marked local characteristic especially at corner plots. This would cause substantial harm to the character of the area contrary to Policies DM5 and DM13 of the Ipswich *Core Strategy and Policies* Development Plan Document 2011 (CSP). These policies seek to protect the attractive physical characteristics of local neighbourhoods, as well as to protect the setting of existing buildings. The policies, despite their age, are broadly consistent with the aim of the National Planning Policy Framework (Framework) at Section 7 to promote high quality design, a key aspect of sustainability.

Living Conditions

12. The Inspector in the previous appeal found that the original scheme would have an overbearing effect on the outlook of the host property, No.46.

Although the proposed dwelling would be closer by some 1.5m, the proposed elevation facing No 46 would be reduced to a 4.8m wide gable end, facing the rear wall of No 46 at an offset angle. I would therefore agree with the Council that the proposed siting would not materially harm the outlook from No.46.

13. The Council has adopted Supplementary Planning Guidance: *Space and Design Guidelines* 2015 (SPD) which advises that there should be 12m between the rear of one building and the side of another. It also advises that a lesser distance may be considered where alternative layouts achieve acceptable standards of amenity, to be determined on the basis of their own merits. Such guidance is not subject to independent scrutiny, but undergoes statutory consultation and moreover it has been recently adopted. As such it a material consideration of some weight in the determination of planning applications.
14. The new first floor bedroom window to the south elevation would be about 7.5m from the rear elevation of No 46, which contains kitchen and bedroom openings. I note however that the 7.5m is measured to the corner of the host building whose openings on this elevation are further to the west. Also, as noted previously there is an oblique angle between the two elevations. On balance I am not persuaded that the spatial relationship between the proposed dwelling and its host would result in impacts that would be so oppressive as to demonstrably harm the use and enjoyment of the two properties.
15. Regarding the effect of the proposal on No 75 Spenser Road and 54 Thackeray Road, I do not consider that the separation distances involved, taking into account also the nature of the openings to the side of No 75 that appear to be infrequently used, would materially affect living conditions of these residents.
16. I note further that although the new first floor bathroom window has the potential to overlook No 48 Thackeray Road, this could be resolved by a condition requiring it to be obscurely glazed.
17. To conclude on this issue the siting and layout of the new dwelling would not cause unacceptable harm to the living conditions of occupiers of neighbouring properties, subject to a condition to ensure that obscure glazing is provided to the new first floor bathroom window. The proposal would in this respect comply with SPD and CSP Policies DM5 and DM13 in that it would safeguard amenities of neighbouring residents in terms of loss of privacy or light or overbearing impact. It would also comply with the Framework's aim at Paragraph 17 which emphasises the need for development, among other matters to have a good standard of amenity for existing and future occupants of land and buildings.

Planning balance

18. An additional dwelling would make a small contribution to the Council's housing supply and it appears undisputed that the appeal site is in a locationally sustainable area of acknowledged housing shortfall. The proposal would be of a traditional design and appearance, using high-quality materials, detailing and finish. It would not have unacceptably harmful impacts on neighbours' living conditions, although this is a neutral factor in the overall assessment.
19. Significant harm would however be caused to the character and appearance of the area which would not be outweighed by the advantages of the proposal. The development would be contrary to relevant and up to date policies of the

development plan that do not affect the supply of housing and which should be given full weight. The proposal would not therefore be sustainable development.

Conclusion

20. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR