
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/16/3151870

84 Valley Road, Ipswich, Suffolk IP1 4PB

- 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 Avtar Singh against the decision of Ipswich Borough Council.
 - The application Ref IP/15/01165/FUL, dated 23 December 2015, was refused by notice dated 15 March 2016.
 - The development proposed is detached dwelling on severanced garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are firstly, the effect of the proposal on the character and appearance of the area, and secondly, its effect on living conditions of occupiers of neighbouring properties.

Reasons

Character and appearance

3. The appeal site falls within the Council's Urban Character Study for the Valley Road area. 84 Valley Road is a substantial detached two-storey house in a residential area characterised by similarly well-proportioned 20thc large houses, with good separation between them, spacious gardens and a sense of openness around them. This low density suburban character with mature garden settings is a positive feature of the area.
 4. No 84 has a long flank boundary to The Avenue, its original plot having been severed once to create 36 The Avenue. On the junction opposite, No 82 retains its original long flank boundary. Despite the boundary fences along the sides of these gardens, the general sense of openness on the junction and into The Avenue is an attractive physical characteristic of the local neighbourhood.
 5. The appeal plot would contain a single storey 2 bed dwelling having its front to The Avenue and taking up most of the width of the plot. As such it would be tight against the boundary of No 36 and, to a lesser degree, that of its host. Two parking spaces would be sited in front of the new dwelling.
 6. Sufficient amenity space would be provided around the new dwelling to satisfy the Council's standards. However the appeal plot is small and the new dwelling would leave a narrow separation gap to the boundaries of adjoining properties,
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- with a small space for parking at the front. This would compare unfavourably with the scale of development in the street scene and make the new smaller house appear oddly positioned and cramped between its neighbours. As such it would detract from the character and appearance of the locality.
7. The analysis of the plot sizes in the locality has been considered. Whilst there are some plots of a similar size to the appeal plot in the wider area, from my observations on site and what I have read, those in this section of Valley Road and The Avenue tend to be appreciably larger and provide the local context against which the appeal proposal should be assessed.
 8. The Council has adopted Supplementary Planning Document: *Space and Design Guidelines* 2015 (SPD) which embraces the advice contained in the National Planning Policy Framework (Framework) that good design is a key aspect of sustainable development. Paragraphs 59 and 60 of the Framework advise that local plan policies should avoid unnecessary prescription or detail in design matters, not attempt to impose architectural styles or particular tastes, however it is proper to seek to promote or reinforce local distinctiveness.
 9. In design terms the new dwelling would have a simple, unobtrusive appearance. It would appear to take from the fairly prominent gabled entrance at No 36 whilst using a more steeply pitched roof in line with more established properties nearby. A projecting external chimney to the southern gable-end would provide some interest. That said, and taking due account of the more modern house at No 36, the proposal would not reflect the more substantial and articulated forms of the surrounding established dwellings that contribute to the particular character of the area and give it a distinct sense of place.
 10. Therefore, taken in the context of its surroundings and relationship to neighbouring dwellings, the form, scale and siting the proposal would not comply with the Core Strategy and Policies Development Plan Document 2011 (CSP) Policy DM5, in particular its aim to secure well designed development that reinforces the attractive physical characteristics of local neighbourhoods. It would also be contrary to CSP Policy DM13 which would not permit development of severance plots unless, among other matters the setting of existing buildings and the character and appearance of the area is protected.

Living Conditions

11. The SPD states that where houses are perpendicular to each other a distance of 12 metres separating the rear of one building from the side of another should be provided.¹ The illustrative example is based on a separation between the main side and main front elevations of two, two-storey dwellings.
12. The northern gable end of the new bungalow would be about 15m from the main rear elevation of its host, although the host dwelling is L shaped and at its closest point would be about 6.5m away. Although No 84 belongs to the appellant I have to consider the effect of the proposal on future as well as present occupiers of the donor property.
13. From what I have seen of the site and my consideration of the submitted plans, the new building would have some visual impact on occupants of No 84. The impact would be mitigated to an extent by the single storey nature of the building and the fencing and planting on the new boundary. On balance I am

¹ Paragraph 4.8

not persuaded that any overbearing impact would be so oppressive to future occupiers as to demonstrably harm the reasonable enjoyment of their property.

14. The end of the rear garden of 86 Valley Road adjoins the proposed plot such that the proposed dwelling would be about 7m away from the boundary. I am however satisfied that the single storey dwelling proposed would not result in unacceptable overlooking of the rear garden of No 86. The separation between the closest elevations would be 15m, which taken with the set-off, would ensure that there would be no other adverse impacts on living conditions.
15. The new dwelling would be aligned with the frontage of 36 The Avenue and there would be a reasonable separation between their side elevations, taking into account the single new secondary opening to serve the kitchen area, and the north facing side elevation of No 36 with its integral garage. The proposal would not result in detrimental impacts to the occupiers of this property.
16. CSP Policy DM5 (e) cited by the Council in its reason for refusal is not specifically relevant to this main issue. In terms of preserving living conditions currently enjoyed by occupiers of neighbouring properties, including the existing dwelling at 84 Valley Road, the proposal would however comply with CSP Policy DM13, in particular sub-paragraph (d) which aims to protect living conditions of neighbouring residents from loss of privacy, light, or overbearing impact. It would also comply with a principal aim of the SPD to ensure satisfactory living arrangements for occupiers of new and existing dwellings.

Other matters

17. Several photographs of other dwellings said to be near the appeal site were submitted. Apart from those in Woodstone Avenue their exact location is unclear and in any event their significance is not fully explained. Some dwellings are bungalows with one and a half storeys, with varying styles and forms and a few are seen adjacent to larger dwellings but their local context is unclear. They do not provide a compelling precedent for the appeal proposal.
18. The council does not dispute the sustainability credentials of the proposal in terms of construction and energy use or the quality of the materials to be used. However there is no case put forward for an exceptionally innovative design or ground breaking energy saving methodology, so these factors can only be of neutral weight in assessing the proposal against the main issues.
19. I have read that there may be restrictive covenant issues which affect development of the appeal site, however that is not a planning matter.
20. The proposal would add a single dwelling in an area of undisputed housing shortfall. Even so this would be a limited benefit. Set against the identified harm from the proposal, it would not overcome the clear conflict with the development plan. Overall the proposal would not be sustainable development.

Conclusion

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

Grahame Kean

INSPECTOR