The Planning Inspectorate

Appeal Decision

Site visit made on 7 February 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 23rd February 2017

Appeal Ref: APP/R3515/W/16/3162473
164 Hadleigh Road, Ipswich IP2 0DH

- 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 Musley Hill School Ltd against the decision of Ipswich Borough Council.
- The application Ref IP/16/00699/FUL, dated 22 July 2016, was refused by notice dated 20 September 2016.
- The development proposed is two no. one-and-a-half storey residential dwellings to the rear garden of 164 Hadleigh Road.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to policies from the Ipswich Proposed Submission Core Strategy and Policies Development Plan Document Review 2014 (CSR). I understand that this Plan has been subject to examination and that the Inspector's report was published in January 2017 subject to a number of main modifications. In accordance with paragraph 216 of the National Planning Policy Framework (the Framework) weight may be given to emerging policies subject to the extent of unresolved objections. No evidence has been provided to allow me to make this judgement. However, as these policies are at an advanced stage but have not yet been adopted, I give these policies in the emerging CSR moderate weight as a material consideration.

Main Issues

3. The main issues are the effect of the development on

   (i) the character and appearance of the area;

   (ii) the living conditions of the occupiers of the neighbouring property at No. 166 Hadleigh Road and future residents of the proposed dwellings; and

   (iii) the biodiversity interest on the site.

Reasons

Character and appearance of the area

4. The appeal site forms part of the garden area at the rear of No. 164 Hadleigh Road (No. 164), a detached two storey dwelling on a corner plot with vehicular access at the side of the property.

5. It is located in a mixed residential and commercial area, typically characterised by detached and semi-detached properties in a linear form of development along Hadleigh Road to the south of the appeal site. Commercial land and premises in the Elton Park Business Centre are located to the north and north-east of the site. To the south-west and south-east are the garden areas and the outbuildings associated with the adjacent residential properties. Where outbuildings and other structures exist behind the residential properties, these are very low, small in scale, clearly subsidiary, and have little impact upon the sense of space and openness in the area. No. 164 being situated on a corner plot has even more expansive grounds, which add to the open character and appearance of the street scene, which is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens.

6. The proposal would involve the construction of two detached chalet style bungalows with associated parking, garden areas and access off a private road leading to the Elton Park Business Centre. The proposed dwellings fronting onto the private road would be constructed with gabled pitched roofs with an eaves height of about 2.3m and a ridge height of about 6.3m.

7. Whilst visually the design of the proposed dwellings would be acceptable, the one and a half storey form of the dwellings would nevertheless be substantial and the overall plot size of the dwellings would be very different to those typically found in the area. The result would be a development that would appear visually cramped, would compromise the sense of space and openness between dwellings and interrupt the established pattern of development in the area. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from Hadleigh Road and the private road at the front of the dwellings. As such, I consider the development would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.

8. I have considered the appellant's statement that the design of the proposed dwellings is intended to reflect the existing properties in the area. Whilst the use of matching materials, fenestrations and layout would assist with protecting the setting of the existing dwelling on the site and in integrating the proposal with other properties in the area, these aspects do not overcome the adverse effects outlined above. I note the appellant's comments regarding the previous outline proposal for a mixed use development in 2008[1] on a larger site at the rear of Hadleigh Road including the appeal site. This previous proposal has different development characteristics to the appeal scheme and took place in a different policy context. I therefore accord these matters limited weight.

9. I note the appellant's comments about the context provided in the Framework for good design and that planning decisions should not attempt to impose architectural styling and should not stifle innovation, originality or initiative in

[1] IP/08/0365

design but I find that the proposal does not achieve the standards the Framework seeks. I note the appellant's argument that the proposal would constitute a sustainable form of development. However, whilst I recognise that the proposal would boost the supply of housing and would make efficient use of the land in an accessible location in accordance with the Framework these benefits do not outweigh the harm I have identified in this case.

10. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with policies DM5 and DM13 of the Ipswich Proposed Core Strategy and Policies Development Plan Document Review 2011 (CS), policies DM5 and DM13 of the CSR and the Council's Space and Design Supplementary Planning Document 2015 (SPD). These policies and guidelines, amongst other things, seek to ensure that all new development is well designed to protect and enhance the special character and distinctiveness of the area and that small scale residential development protects the setting of existing buildings and the character and appearance of the area.

Living conditions

11. The rear elevation of the proposed dwellings would be set back about 1.4m from the private road and located about 1.5m from the common shared boundary with No. 166. It would be separated from No. 166 by a close boundary fence. The detached bungalow at No. 166 currently has uninterrupted views over the open garden areas at the rear of the adjacent properties that provide space and light between the properties.

12. I have considered the appellant's arguments that the site layout and the design of the buildings has been carefully considered in order to maximise the distances from the adjacent properties and minimise any impacts on occupiers of the proposed dwellings and adjacent dwellings. Whilst these features together with the boundary treatment and the lowering of the ground level on the site would reduce the impact of the proposal to some degree, given the overall height, massing and the design of the proposal and the separation distance between the properties, I consider the proposal would dominate the views from the garden at the rear of No. 166. It would introduce a dominant and enclosing structure in close proximity to the common boundary that would severely restrict the outlook of No. 166.

13. I note that the appellant's comments regarding the new access arrangements proposed to the allocated residential and employment land at the rear of Hadleigh Road, being considered as part of a residential development between 178-184 Hadleigh Road to the west of the site[2]. However, the Council has indicated this separate planning application has not yet been determined and insufficient evidence has been provided to allow me to make a judgement on the impact of the proposal on the proposed access arrangements to the allocated land in this instance.

14. Nevertheless, given the close proximity of the development to the private access road, it is likely that the level of noise and disturbance from comings and goings from vehicular movements to the employment site would be higher than might be expected in a residential street and would result in harm to the living conditions of the future residents of the proposed dwellings. Whilst this

[2] IP/16/00576/0UT

harm may not be sufficient on its own to warrant dismissal of this case, it nonetheless adds to my primary concern regarding the effect of the development on the character and appearance of the area and the living conditions of the occupiers of the neighbouring property.

15. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of the neighbouring property at No. 166 and the future residents of the proposed dwellings. The development conflicts with policies DM13 and DM26 of the CS, policies DM13 and DM26 of the CSR and the SPD. These policies and guidance seek, amongst other things, to ensure that new development protects the amenity of neighbouring residents and that the proposed development itself would not be adversely affected by the established or potentially noisy uses nearby. In addition, it would not accord with the Framework that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Biodiversity interest

16. The appeal site is an undeveloped garden area with a number of semi-mature trees and a large conifer tree along the rear boundary of the site. At the time of my site visit I observed, with exception of the trees outlined above, that the site had been cleared of vegetation and was being used for waste storage.

17. In light of the current poor condition of the site, I consider that the potential impact on any biodiversity interest and species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 would be limited and the Council's requirement that a phase 1 habitat survey should be submitted would not be warranted in this instance. Consequently, I conclude that the proposal would be consistent with policy DM31 of the CS, policy DM31 of the CSR and paragraphs 109 and 118 of the Framework, that seek, amongst other things, to conserve biodiversity and to ensure significant harm from the development is avoided.

Conclusion

18. Notwithstanding my findings on the lack of harm to the biodiversity interest on the appeal site, this does not outweigh the harm found to the character and appearance of the area and, the living conditions of the occupiers of the neighbouring property and the future residents of the proposed dwellings. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR