
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: 31 March 2017

Appeal Ref: APP/R3515/W/16/3161513

7 Playford Road Ipswich IP4 5QZ

- 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 Messrs HR, MD & DRW Hoy Trustees of 7 Playford Road against the decision of Ipswich Borough Council.
 - The application Ref IP/16/00422/OUT, dated 29 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is erection of two dwellinghouses.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice refers to Policies DM5, DM13, DM17 and DM31 from the Ipswich Proposed Submission Core Strategy and Policies Development Plan Document Review 2014 (CSR). This Plan was adopted on 22 February 2017 since the appeal was submitted and supersedes Policies DM5, DM13, DM17 and DM31 from the Core Strategy and Policies Development Plan Document 2011. The appellants have confirmed that they have no further comments to make on these changes. The aims of the policies are similar and so neither party has been prejudiced by this change in policy circumstances.
3. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.

Main Issues

4. 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. 5 Playford Road with particular regard to the activities associated with the proposed shared vehicular access;
 - (iii) highway safety in the area; and
 - (iv) the biodiversity interest on the site.
-

Reasons

Character and appearance of the area

5. The appeal site forms part of the garden area at the rear of No. 7 Playford Road (No. 7), a detached bungalow with vehicular access at the side of the property. It is located in a mature well-established residential area, typically characterised by detached and semi-detached properties set back from the road in relatively spacious plots. To the south-west and north-east are the garden areas and the outbuildings associated with the adjacent 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. This gives the area a strong unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the gardens and the open school playing fields at the rear of the site.
6. The outline proposal would involve the construction of two detached dwellings with associated parking and garden areas. The indicative details provided show one and a half storey dwellings with a pitched roof and dormer extensions on the front elevations to provide living accommodation at first floor level.
7. The proposed development would be situated in the characteristic open gap between the properties and the open school playing fields. Such positioning would compromise the sense of space and openness and interrupt the established rhythm of development in the area. Moreover, the siting itself, with the dwellings situated behind the existing dwellings at the front would create a backland form of development. This would introduce an uncharacteristic layout into the street scene. Paragraph 60 of the National Planning Policy Framework (the Framework) states that it is proper to promote or reinforce local distinctiveness. In this case, the siting and layout of the proposed development would not amount to a subservient form of development in this backland location and would fail to promote or reinforce the distinctive characteristics of this established residential area.
8. The consequential harm would not in my view be sufficiently resolved by the limited effect of the one and a half storey form of the proposed dwellings on the street scene. In any case, the site is viewed from the rear of a large number of surrounding properties. 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.
9. I have considered the appellants statement that the site layout and the position of the buildings has been carefully considered in order to maximise the distances from the adjacent properties and minimise any impacts on adjacent dwellings and the area. Whilst these features together with the landscaping scheme and boundary treatment, would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above. I also note the appellants comments that the development would make efficient use of an underutilised garden space and retain a garden area of a similar size to the neighbouring properties. Whilst this maybe so, this does not set a precedent for such an inappropriate development in this location for the reasons set out above. I therefore accord these matters limited weight.

10. I have noted the other developments in the area drawn to my attention by the appellants. The two chalet bungalows at 65 and 67 Woodbridge Road East and one and half storey dwelling at 213 Rushmere Road are built off a separate access to the properties at the front and have different development characteristics to the appeal scheme. The two detached dwellings on land at the rear of 137 and 139 Valley Road are on a different street and have different locational characteristics. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
11. 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 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 special character and distinctiveness of the area and that small scale backland residential development protects the setting of existing buildings and the character and appearance of the area.
12. In addition, it would not accord with the aims of the Framework that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Living conditions of the occupiers of the neighbouring property

13. The indicative details provided show a long vehicular access to the appeal scheme running alongside the bungalow and the rear garden of No. 5. The proposal includes widening of this access and proposed trellis screening of about 2m high along the common shared boundary with No. 5. There are window openings along the side and rear elevations of the dwelling at No.5.
14. Although, in general terms, rear gardens may contain various structures incidental to the use of the dwellings in this location, the intensity of use and activities arising from additional dwellings are likely to be materially different.
15. Whilst I accept the layout and design is illustrative only at this stage and the boundary treatment would reduce the impact of the development to some degree, given the position of the widened access and the separation distance between the properties, I consider the proposal would give rise to an increased level of noise and disturbance to the dwelling and the rear garden of No. 5 associated with the shared vehicular access to the appeal scheme. In particular, it is likely to lead to a level of comings and goings from vehicles and pedestrians that would be higher than might be expected from the existing dwelling and any incidental buildings such as the garage at No. 7.
16. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of the neighbouring property at No. 5 with particular regard to the activities associated with the proposed shared vehicular access. The development conflicts with Policy DM13 of the CSR and the SPD. This policy and guidance seek to ensure that new development protects the amenity of neighbouring residents. In addition, it would not accord with the aims of the Framework that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Highway safety

17. The proposal would involve the construction of the new widened access onto the adjacent highway. The appeal site is located on a one-way C-Class Road where a 30 mph speed limit applies. The road by the entrance to the site has footpath provision and is bounded by a low boundary wall and hedge.
18. For this class of road and speed limit, the Local Highway Authority (LHA) Suffolk County Council recommends a minimum visibility splay of 2.4m x 90m should be provided for the access in each direction in accordance with the Design Manual for Roads and Bridges (DMRB). The LHA have objected as the proposal does not meet the DMRB requirements. The LHA state that they would require speed data information to assess whether the available visibility splay would be adequate and this has not been submitted by the appellants.
19. The appellants, however, have questioned the LHA requirements in light of the proposal to provide turning facilities for the existing and new dwellings within the site and the small increase in vehicle movements. In addition, the appellants supporting statement provided details of the LHA proposal to make improvements to the junction of Playford Road and Woodbridge Road near to the entrance to the appeal site. These proposed improvement works, however, have not been implemented and I have no information provided regarding the timescale for when this work would be started. Nevertheless, more recent national guidance suggests that the DMRB is not an appropriate design standard in such situations and seeks to be more flexible.
20. Paragraph 32 of the Framework states that decisions should only be prevented or refused on transport grounds where the residual impacts of development are severe. In view of the scale of development, it is evident that the impact of the development on highway efficiency would not be severe. However, paragraphs 32 and 35 of the Framework go on to state that decisions should also take into account whether safe and suitable access to the site can be achieved for all people.
21. From the evidence provided and from my observations on site, I consider that this section of Playford Road is sufficiently safe and suitable to cater for the limited additional traffic movements from the proposal. Due to the current configuration of the site and the proposed access and turning arrangements, vehicles would be travelling at low speeds and would have the ability to manoeuvre into and out of the site in a forward gear. The current road conditions on this section of the road would allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians.
22. Consequently, I conclude that the proposal would not have an adverse effect on highway safety. The proposal would therefore comply with Policy DM17 of the CSR that seek to ensure that new development proposals would be assessed in terms of its impact on the road network in respect of highway safety. In addition, it would accord with paragraphs 32 and 35 of the Framework, which seeks to ensure that a safe and suitable access to the site can be provided for all people and that a safe and secure layout can be achieved which minimises the conflicts between traffic and cyclists or pedestrians.

Biodiversity interest

23. The appeal site is an undeveloped garden area and contains a number of fruit trees and boundary hedgerows. Given the nature of the site and its surroundings, the Council recommend that as a minimum a phase 1 habitat survey should have been submitted with the application.
24. The appellants have indicated that no significant trees are to be removed and the trees to be removed are exhausted fruit trees, which in any event could be removed without the need for any consent. The appellants consider the proposal would have little impact on biodiversity. However, the biodiversity interest on this undeveloped site does not just relate to the trees. In the absence of any convincing evidence to the contrary, there is a potential that the proposal could impact on any biodiversity interest on the site and species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981.
25. Consequently, I conclude that the proposal would be contrary to Policy DM31 of the CSR and paragraphs 109 and 118 of the Framework, that seek, amongst other things, to conserve biodiversity to ensure significant harm from the development is avoided and incorporate measures to enhance opportunities for biodiversity within and around the development.

Other matters

26. I have noted the local support for the proposal on the basis of the limited impact on traffic and the character of the area, the distance from the immediate neighbours and reducing the burden of maintaining the large garden on the appellants. However, these matters are addressed above and there are other means of maintaining the site without the need to construct dwellings.
27. I have noted the objections raised by local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

28. Notwithstanding my findings on the lack of harm to highway safety this is significantly outweighed by the harm found to the character and appearance of the area, the living conditions of the occupiers of the neighbouring property and the biodiversity interest on the site. The proposal would conflict with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR