
Appeal Decision

Site visit made on 28 March 2017

by K H Child BSc (Hons) MA MRTPI

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

Decision date: 20th April 2017

Appeal Ref: APP/J3530/W/16/3164935
50 Quebec Drive, Kesgrave IP5 1HP

- 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 and Mrs D Lee against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/3419/FUL, dated 16 August 2016, was refused by notice dated 23 September 2016.
 - The development proposed is described as 'erection of a detached dwelling with associated parking and access from Main Road.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the locality.
 - The effect of the proposal on the living conditions of occupants of Number 50 Quebec Drive, with particular regard to sunlight, daylight and privacy.
 - Whether the proposal would provide acceptable living conditions for future occupants of the proposed dwelling, with particular regard to sunlight, daylight, privacy and outlook.

Reasons

3. Number 50 Quebec Drive (No 50) is a detached property located in a predominantly residential area to the east of Ipswich. The front of the property faces Quebec Drive, whilst the rear garden adjoins Main Road.
4. The proposal would involve sub-dividing the rear garden of No 50 and the erection of a new dwelling in the rear garden space. The proposed dwelling would be accessed from Main Road.

Character and appearance

5. The area has a suburban character, with a mix of semi-detached, detached and terraced houses as well as bungalows. Dwellings are set back from the road

frontage with small front gardens and driveways, and longer rear gardens. There are a variety of building styles and forms in the locality, albeit with most dwellings dating from the twentieth century.

6. The proposal would involve the erection of a detached part two and part one storey dwelling in the rear garden of No 50. The building would be of a modern design, with a part mono pitch and part flat roof. On my site visit I observed that although many properties in the vicinity are two storey in height, some have single storey elements. This includes No 50 as well as Numbers 83, 85 and 87 Main Road. Furthermore, Nos 85 and 87 both feature mono pitched roofs. Having regard to the mix of forms and styles in the locality, I therefore consider that the form and design of the proposed building would not, in itself, be wholly out of character with other dwellings in the vicinity, or detract from the appearance of the local area in this regard.
7. I note that No 50 has a larger plot than many nearby properties, by virtue of its position on a bend in Quebec Drive. The proposed scheme would accommodate parking and front and rear amenity areas, with the latter totalling about 100 square metres. The proposed dwelling would be of modest height and massing, and would have its own frontage on Main Road. Nevertheless, the proposed dwelling would occupy an extensive section of the rear garden of No 50, resulting in the size of the existing rear garden being markedly diminished, to a depth of about 7 metres according to the Council's evidence. The proposed dwelling would also have a short rear garden. The Council and the appellant dispute the exact depth, with the former citing 4.48 to 7 metres, and the latter citing 5.2 to 7.9 metres.
8. The site is part of a built-up residential area, which includes terraced dwellings and adjacent dwellings separated by small gaps. Nevertheless, the proposal would result in a dense form of development with small rear gardens, and the rear elevations of No 50 and the proposed dwelling in close proximity and facing directly towards each other. The proposed dwelling would also be flanked by No 87 Main Road and would be sited close to the rear elevation of Number 48 Quebec Drive (No 48). Overall, taking account of the position of nearby houses and the spacious size of rear gardens in the vicinity, I consider that the proposed dwelling would be a cramped form of development that would be out of character with its surroundings. As such, and having regard to the visibility of the scheme and surrounding dwellings from Main Road, I consider the proposal would materially harm the character and appearance of the locality. Accordingly, the proposal would be contrary to Policies SP15, DM7 and DM21 in the Suffolk Coastal Core Strategy and Development Management Policies Development Plan Document (2013) (Core Strategy), insofar as they seek to secure development which is of high quality design and layout and does not detract from the character and appearance of its surroundings.

Living conditions - No 50

9. The rear garden of No 50 is located to the north of the main dwelling house, and is bounded to the east by the flank wall of No 48. As such parts of the garden closest to the house are shaded for part of the day and do not receive direct sunlight, as shown on the diagram submitted by the appellant. Existing trees on the western boundary would also constrain some direct sunlight, although I note that these are not shown on the appellant's diagram.

10. By virtue of its orientation to the north, the proposed new dwelling would not, in itself, significantly reduce the amount of sunlight received in the remaining rear garden of No 50. However, the rear garden at No 50 is currently longer and includes more open areas than would remain. The amount of both sunlight and daylight in the remaining small garden area would be constrained by the proximity of the two storey built-form, as well as the trees along the western boundary. I recognise that overshadowing occurs in built-up areas. However, taking account of the small size of the remaining rear garden and current overshadowing and daylight constraints in this area, I consider that the effect would be marked. Accordingly, I consider that the proposal would materially harm the living conditions of occupiers of No 50, in terms of sunlight and daylight received in the rear garden.
11. The proposed dwelling would have one window at first floor level facing directly towards the rear elevation of No 50. The submitted plans show it would serve a bedroom and would be obscure glazing. Conditions which require obscure glazing and non-opening window design can help to deal with issues of overlooking. However, in this case the window serves a habitable room, and the only other light source would be from an obscure glazed window in an adjoining shower room. I therefore consider that such a condition would detract from the quality of occupant's lives by failing to provide a suitable outlook from the habitable room. This issue is also dealt with below. I note that the appellant is willing to provide clear glazing in this window if required. However, if a condition was attached to provide clear glazing, the window would allow overlooking into the rear garden of No 50 and would materially harm the living conditions of occupants of No 50.

Living conditions – proposed dwelling

12. The rear of the proposed dwelling faces broadly south, and the rear garden would receive direct sunlight for part of the day. However, the amount of both sunlight and daylight received in the garden would be constrained by the proximity of two storey dwellings at Nos 48 and 50 and No 87 Main Road, as well as existing trees close to the south-west corner. I note that neither No 87 nor the trees are shown on the appellant's sunlight diagram. Having regard to the small size of the proposed garden, coupled with the proximity of built-form and trees, I consider that the garden would fail to provide suitable levels of daylight and sunlight for occupants.
13. No 50 has a number of first floor windows that would face towards the proposed dwelling. I recognise that overlooking occurs in built-up residential areas. Nonetheless, the windows would be in close proximity and face directly into the rear garden of the proposed dwelling. As such I consider that the privacy of occupiers of the proposed dwelling, insofar as it relates to the rear private amenity space, would be severely compromised. As set out above, the provision of an obscure glazed window in the rear first floor bedroom of the proposed dwelling would also fail to provide outlook and a suitable standard of living accommodation in a habitable room.

Living conditions - overview

14. Neither the Core Strategy nor the Council's Supplementary Planning Guidance 'The Location and Design of Small Residential Development' specify a minimum garden size. However, it is important that private amenity space is usable and provides occupants with a suitable space for informal recreation and leisure.

15. As established above, the proposal would materially harm the living conditions of occupiers of No 50 in terms of the amount of sunlight and daylight received in the remaining small rear garden area. The proposal would also fail to provide suitable living conditions for future occupiers of the proposed dwelling, in terms of sunlight, daylight and privacy levels in the rear garden. Furthermore, the proximity of the proposed first floor rear window in the new dwelling would mean it would not be possible to achieve privacy in the rear garden of No 50 whilst providing suitable outlook and standard of living accommodation for future occupants of the proposed dwelling. Accordingly, I consider that the proposal would be contrary to Policy DM7 and Policy DM23 in the Core Strategy (2013), insofar as they seek to secure development which does not detract from the quality of people's lives and provides a good standard of residential amenity.

Other Matters

16. The Council has provided evidence which indicates that it has a five year supply of housing land, and no contrary evidence has been provided by the appellant. The aforementioned development plan policies postdate the National Planning Policy Framework (the Framework), and I am satisfied that they are broadly in accordance with the document.
17. The appellant indicates that the proposal represents a sustainable form of development, as established in paragraph 7 of the Framework. I recognise that the appeal site is in a sustainable location, within a settlement boundary, and within walking and cycling distance of services and public transport. The proposal would also make more efficient use of land and make a small contribution to the local housing stock. Modest economic benefits would also arise in terms of construction jobs, and I note the appellant's proposal to employ sustainable construction methods albeit no details have been provided. Nonetheless, as established above, the scheme would cause significant environmental and social harm. Therefore overall I consider it would not be a sustainable form of development.
18. The appellant has suggested that the scheme would assist crime prevention by being close to other properties and providing opportunities for surveillance. However, there is no evidence before me that crime is a particular issue in the vicinity. Overall I consider that any related benefits would not be sufficient to outweigh the harm arising from the scheme, as identified above.
19. The submitted evidence indicates that one of the occupants of No 50 suffers from health problems and that the proposed dwelling has been designed for their use. However, there is no evidence before me to demonstrate why the proposed dwelling is necessary in this form or location, and whether there is a lack of other suitable alternative accommodation in the local area. Accordingly, I have attached limited weight to this factor in my determination of this appeal.
20. A previous planning application for a dwelling on the appeal site was refused by the Council. The main parties' evidence indicates that the scheme before me has been re-designed and is smaller in size and height. Nonetheless, I have assessed the appeal before me based on its own merits, according to the submitted plans and proposals.
21. The Council has raised concerns that the scheme would not provide safe access, although I note that Suffolk County Council as Highways Authority has

not objected. Local residents have also raised other concerns, including the scheme's effect on the living conditions of other nearby occupiers in terms of privacy, light and outlook. Nonetheless, they have not led me to any different overall conclusion regard the scheme.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Katie Child

INSPECTOR