
Appeal Decision

Site visit made on 15 May 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/R3515/W/17/3168379

Land to rear 255 & 257 Belstead Road, Ipswich, Suffolk IP2 9DX

- 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 Davis against the decision of Ipswich Borough Council.
 - The application Ref IP/16/00934/FUL, dated 4 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is described as 'subdivision of gardens, alterations to driveway, erection of one detached dwelling and detached garage.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision it has adopted the Core Strategy and Policies Development Plan Document Review 2017. This superseded the 2011 version. The appellant had an opportunity to address this in his submissions.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
1) the character and appearance of the area; and 2) the living conditions of the occupants of Waltham Close with particular reference to outlook.

Reasons

The effect on the character and appearance of the area

4. The appeal site encompasses the rear most sections of the gardens serving 255-257 Belstead Road. It is currently delineated by close boarded fencing and includes a number of semi mature and mature trees, which are located predominantly along the south-eastern boundary of the appeal site and alongside the bungalows in Waltham Close. Belstead Road is a verdant street characterised in the main by large properties in spacious curtilages. The properties tend to be situated towards the front of their respective plots but behind front gardens. This results in deep, undeveloped and generously landscaped rear gardens, including the appeal site, which contribute positively to the character and appearance of the area. The appeal site is mainly viewed in the context of Belstead Road, which is quite separate from the higher density development in Waltham Close.
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5. The appeal scheme would result in the erection of a substantial bungalow to the rear of 255-257 Belstead Road in what the Council describes as a 'backland' site. The proposal would therefore encroach into the undeveloped space to the rear of the established and discernible linear development evident in Belstead Road. As a result, the proposal would detract from, and thus harm, the spatial character and grain of development in Belstead Road.
6. Moreover, I have not been directed to any recent and similar backland development that could act as a 'precedent' justifying the appeal scheme, which is a requirement of The Space and Design Guide Supplementary Planning Document 2015 (SPD). In this respect, 255-257 Belstead Road are frontage properties, whereas the appeal scheme would be development in depth. Additionally, whilst higher, the garages serving these properties have less overall massing than the proposed bungalow would have. As such, the presence of the garages that would serve the occupants of 255-257 Belstead Road does not justify the appeal scheme.
7. The bungalow would have a considerable footprint and the proposed span of the building would result in a structure approximately 5.7 metres high. Due to this scale and massing the bungalow would be unduly conspicuous from many of the neighbouring properties and therefore the spatial departure from the character of the area would be harmfully apparent. As a consequence, the structure would not be a discreet addition to the area, especially so as a number of mature trees may need to be felled to facilitate its construction.
8. The bungalow would be set away from the boundary with the public footpath that runs along the south-western boundary of the appeal site. This siting would ensure any visual perception of the proposed bungalow from this vantage point would not be significant. Nevertheless, the proposed garage would be visible from the footpath and this would erode the verdant character of the appeal site and surrounding area and hint at the appeal schemes departure from the spatial character of the area.
9. The appeal scheme would not be without merit. The vehicular access would be taken from the existing driveway and would not appear incongruous. The landscaping along the site frontage around the carriage driveway would soften views of the appeal site from Belstead Road. Moreover, the single storey form would lessen the impact of the structure. It would also be possible to use high quality materials that would harmonise the proposal with the quality of 255-257 Belstead Road. These factors in combination would notably temper the impact of the bungalow on the character and appearance of the area such that the harmful impact, whilst not eradicated, would be limited.
10. I therefore conclude that the proposal would result in some limited harm to the character and appearance of the area. Consequently, the proposal would be at odds with Policy DM13 of the Core Strategy and Policies Development Plan Document Review 2017 (CSP) which states that an infill, backland or severance plot will not be permitted unless it would protect the character and appearance of the area. This is consistent with Paragraphs 53, 56, 58 and 64 of the National Planning Policy Framework (the 'Framework').

The effect on living conditions

11. Although arranged over a single storey the proposed dwelling would have a ridge height of approximately 5.7 metres. In addition, the property would have

considerable massing including an expansive roof. The proposed dwelling would be around 5.4 metres - 7.5 metres from the south eastern boundary between the appeal site and the properties in Waltham Close. The properties in Waltham Close have relatively modest gardens and some of the bungalows are situated close to the common boundary. Of particular note is that the Council suggests 33 Waltham Close is 4.9 metres from the boundary with the appeal site.

12. The combined effect of the siting and scale of the proposed dwelling is such that the outlook from 31, 33 and to a lesser degree 35 Waltham Close would be unreasonably dominated by the structure, which would have an unavoidable and overbearing presence, particularly the massing of the roof. The hipped form and single storey scale, as well as the existing boundary fence, would not mitigate for this impact due to the proposal's proximity to the boundary, its height and massing and the slight fall in the land towards the neighbouring properties in Waltham Close.
13. Given the lack of undergrowth the trees along the south-eastern boundary would not screen the proposed building but may serve to soften the impact a little. Notwithstanding this, landscaping cannot be relied upon to hide development that is otherwise unacceptable as it may fail or be removed in the future and any protection would be time limited. Notwithstanding the appellant's arboricultural assessment, the removal of the trees would not be a benefit of the proposal as they are of some amenity benefit, especially as a backdrop to the properties in Waltham Close. This would cancel out any benefits that may accrue from increased levels of daylight to neighbouring properties. The impact on the level of direct sunlight entering the bungalows in Waltham Close from felling the trees is unlikely to be significant as the trees are on the northern side of these properties.
14. The Council's SPD suggests that a dwelling should be a minimum of 9m from a shared boundary with 21m between elevations. This is only guidance and there may be circumstances where a different figure could be justified, especially if the higher densities advocated in the Housing White Paper¹ are to be realised. Nevertheless, this guidance supports my conclusion that the proposed bungalow would be too large given its proposed siting so close to the properties in Waltham Close. As such, the conflict with the SPD is a matter of notable weight against the appeal scheme.
15. The alterations to Middle Lodge are noted but they will not dominate the occupants of 257 Belstead Road, which is a large house in a large plot, in the same way the proposed bungalow would dominate the outlook from the properties in Waltham Close. As such, this is not a matter weighing in favour of the appeal scheme. The appellant could exercise permitted development rights to construct large outbuildings within the appeal site but there is nothing before me to suggest this is a likely prospect and therefore this is a matter of very limited weight that does not justify the appeal scheme.
16. I therefore conclude that the proposal would harm the living conditions of the occupants of Waltham Close. In particular the residents of 31, 33 and 35 Waltham Close. The proposal would therefore be contrary to the provisions of Policies DM13 and DM26 of the CSP, which seek to protect the amenity of

¹ Fixing Our Broken Housing Market - 7 February 2017

neighbouring residents from an overbearing impact. Policies DM13 and DM26 are consistent with Paragraph 17 of the Framework.

Other Matters

Whether any adverse impacts of the proposal would significantly and demonstrably outweigh any benefits

17. As a material consideration the Council are currently unable to demonstrate a five year supply of housing land. It is a point of agreement between the Council and the appellant that Paragraph 14 of the Framework is therefore engaged. Thus, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate development should be restricted. The Council have not suggested that the latter is relevant so the 'tilted' planning balance in Paragraph 14 should be applied.
18. The proposal would harm the character and appearance of the area and this would be contrary to both the CSP and the Framework. However, the harm would be limited due to a number of mitigating circumstances and therefore this is an adverse impact of limited weight in the planning balance. However, the proposal would also harm the living conditions of neighbours and this is also contrary to the development plan and Framework. Again, the impact would be tempered by a number of factors but it would still be notable and therefore it is also a matter of moderate weight against the appeal scheme. In combination, these adverse impacts are of moderate weight.
19. The proposal would, in a modest way, support the local economy through construction jobs and the circulation of funds. The proposal would also boost the Council's inadequate housing supply, which is only 3.07 years. The proposal would also support housing choice. However, as only one dwelling is proposed these benefits are of a limited scale and are thus of limited weight. The appellant suggests that the appeal site is previously developed land and thus its development gleans support from the Framework. However, the site is within the settlement boundary of Ipswich and therefore the appeal site is a residential garden in a built up area. Thus it is not previously developed land.
20. Consequently, when the moderate adverse impacts of the proposal are balanced against its limited benefits then the appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits. As such, the proposal would not be sustainable development for which the Framework carries a presumption in favour.

Conclusion

21. The appeal scheme would be contrary to the development plan and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR