
Appeal Decision

Site visit made on 26 June 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 July 2019

Appeal Ref: APP/R3515/W/19/3226206
33 Braeburn Close, Ipswich IP4 2GD

- 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 Mrs Olga Khalyaeva against the decision of Ipswich Borough Council.
 - The application Ref IP/18/01138/FUL, dated 11 November 2018, was refused by notice dated 20 February 2019.
 - The development proposed is summer house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence indicates that the development for which planning permission is sought has already been implemented and that appeared to be the case when I conducted my site visit. I have, therefore, determined the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 35 Braeburn Close (No 35) with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is located in an area of two and three storey terraced houses with small rear gardens. To the rear is a parking court where the similar appearance of the surrounding properties can be clearly seen. While the other properties have sheds in their gardens that can be seen from the parking court, they generally have pitched roofs and project a small distance above the boundary fence such that the area retains a unified appearance.
 5. The summer house projects a substantial distance above the boundary fence which together with its flat roof is prominent when viewed from the parking court, thereby appearing incongruous and disrupting the unified character and appearance of the area.
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6. Consequently, the proposed development is harmful to the character and appearance of the area and conflicts with Policies DM5(e) of the Core Strategy and Policies Development Plan Document Review Adopted 22 February 2017 (CS) which requires developments to protect and enhance the special character and distinctiveness of Ipswich.

Outlook and privacy

7. The summer house not only projects a significant distance above the boundary fence, but also occupies a substantial length of the garden. Given the small size of the garden of the host dwelling as well as that of No 35, the relatively significant length and height of the summerhouse dominates the outlook from the garden and rear patio door of No 35 Braeburn Close, and results in an oppressive outlook for the neighbour.
8. Consequently, the proposed development harms the living conditions of the occupiers of No 35 with particular regard to outlook. It would therefore conflict with CS Policy DM12(c) which among other things requires developments not to detract from the amenity of neighbouring residents, particularly in terms of overbearing impact. It would also conflict with the Space and Design Guidelines SPD (2015) and the National Planning Policy Framework in this regard.

Other Matters

9. While I acknowledge the evidence regarding normal permitted development provisions, from the evidence before me, the summer house does not benefit from permitted development rights. As such this does not form a fall-back position and has not altered my decision.
10. I acknowledge other concerns including the service provided by the Council. I also note that the height of the summer house was increased to even out the ground level. However, these and none of the other matters raised alter my conclusions on the main issues and I have assessed the appeal based on its planning merits.

Conclusion

11. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR