

Appeal Decision

Site visit made on 18 June 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/J3530/W/19/3223508

Land to the rear of 36 Fairfield Avenue, fronting Springfield Avenue, Felixstowe IP11 9JQ

- 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 C Ray (East Coast Property Ltd) against the decision of Suffolk Coastal District Council.
 - The application Ref DC/18/4303/FUL, dated 16 October 2018, was refused by notice dated 6 December 2018.
 - The development proposed is 'single storey dwelling on land at rear of garden including new access for donor house. Site fronts to Springfield Avenue'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the appeal site and street scene; and on the living conditions of future occupiers of the proposed dwelling, with regard to outlook and natural light.

Reasons

Character and Appearance

3. The appeal site is the rearmost part of the back garden of No 36 Fairfield Avenue, a two storey semi-detached dwelling located next to the avenue's junction with Springfield Avenue. Fairfield Avenue includes similar property types to No 36, while Springfield Avenue is a T-shaped road, with bungalows on either side of the road next to the rear garden boundaries of Nos 36 and 38. Beyond this Springfield Avenue includes two storey properties.
 4. Both roads display a strong degree of uniformity in the grouping of types of dwelling and their layout. The proposed bungalow would be most closely associated visually with No 2 Springfield Avenue and neighbouring bungalows on this part of the road. These properties like others in the two avenues are laid out in traditional plan form with dwellings on a consistent building line fronting the road, with relatively long plots and, therefore, good-sized rear gardens. No 2 and its neighbours are also well set back from the road
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frontage, providing an open, spacious aspect to the street scene beyond the garden boundary fences of Nos 36 and 38 Fairfield Avenue.

5. The proposed dwelling would not be dissimilar in scale and appearance to the neighbouring bungalows. However, it would be sited on a significantly smaller plot than these dwellings and others in the surrounding area. Moreover, it would be orientated differently with its side elevation facing the road on a building line further forward than the neighbouring dwellings. As such, its layout and position would be uncharacteristic and incongruous in the otherwise uniform setting of properties with much larger plot sizes, active street frontages and a consistent front building line.
6. The limited size of the plot would be reflected by the proximity of the dwelling's side elevations to the boundary fence. This would be readily apparent in views from the street, from which the site would have a cramped and overdeveloped appearance reflecting the limitations of the site's size. Furthermore, the position so close to the boundary and road frontage would be in stark contrast to the more generous space and open aspect to the front of No 2 and neighbouring bungalows.
7. The appellant refers to a number of other examples of residential development that have been undertaken in Felixstowe. I am not aware, however, that these form part of the same street scene as the appeal proposal and, therefore, cannot be viewed as directly comparable. Moreover, I have considered the proposal on its merits and found that it would result in material harm in this particular setting. As such, I give these other examples of development limited weight.
8. Therefore, taking these findings as a whole, I conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the appeal site and street scene. Consequently, it is contrary to Policy DM7 of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies document (the Core Strategy), which concerns infilling and backland development, including the requirement that development should not result in a cramped form of development out of character with the area or street scene. It is also contrary to Core Strategy Policy DM21, which concerns design and which states that proposals that comprise poor visual design and layout or otherwise seriously detract from the character of their surroundings will not be permitted. These policies are consistent with the National Planning Policy Framework (the Framework), particularly section twelve concerning well designed places.

Living Conditions

9. The Council's principal concern is that the relatively small garden area for the new dwelling would be surrounded by boundary fences on three sides, thereby giving an undue sense of enclosure and overshadowing the garden. However, given that the garden itself is not so small that it would not be useable space and the boundary fences are not of an untypical height for this type of use to maintain privacy, there is no basis to suggest material harm would result with regard to outlook.
10. Due to the orientation of the site any overshadowing would be towards the late afternoon and evening when the sun would set behind the front boundary

fence. However, these effects would be apparent for a limited time and would not be unusual with regard to a rear garden.

11. Therefore, for these reasons, I find that no harm would result to the living conditions of future occupiers of the proposed dwelling, with regard to outlook and natural light. As such, there is no conflict with Policy DM23 of the Core Strategy concerning the effect of development on residential amenity.

Other Matters

12. I have had regard to all the representations made by interested parties, both for and against the proposal. These do not, however, raise any additional matters in relation to the main issues in this appeal that would lead me to reach a different overall conclusion.
13. The Council indicates that the site is within the 13km buffer related to designated Special Protection Areas and Special Areas for Conservation on the Suffolk Coast. As such, the development is considered to have an adverse effect on these sites through increased recreational disturbance and the Council would seek a contribution to secure necessary mitigation measures. However, given my conclusion below it is not necessary to consider this matter further.

Conclusion

14. I have found in the appellant's favour with regard to the main issue concerning living conditions. However, this is insufficient to outweigh the unacceptable harm and conflict with the development plan and the Framework concerning the effect on character and appearance. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR