The Planning Inspectorate

# Appeal Decision

Site visit made on 5 August 2019

**by Hilary Orr MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 September 2019**

**Appeal Ref: APP/R3515/W/18/3218978**
**Lock up garages between 147 and 149 Whitby Road, Ipswich IP4 4AG**

- 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 Beatty Developments (East Anglia) Ltd against the decision of Ipswich Borough Council.
- The application Ref IP/18/00665/FUL, dated 12 July 2018, was refused by notice dated 19 September 2018.
- The development proposed is the erection of pair of semi-detached dwellings and single bungalow fronting Whitby Road.

## Decision

1. The appeal is dismissed.

## Procedural matters

2. The address of the appeal site was changed by the Council during the course of the planning application. The address was changed to 'Amenity land between 147 and 149 Whitby Road Ipswich Suffolk'. Although there may have been lock up garages on the site at some time, at the time of my site visit they were no longer there. The Council clarified and amended the address for the purposes of the planning application and so shall I.

3. During the course of the appeal, and after the Councils decision, the North East Character Area which forms part of the wider Ipswich Urban Character Supplementary Planning Document (SPD) has been adopted. In summary the SPD seeks to ensure that any proposed development reinforces local distinctiveness, as required by the National Planning Policy Framework and the adopted Core Strategy and contributes to good design. The Appellant has been given the opportunity to comment on this and I have had regard to this document when coming to my decision.

## Main Issues

4. I consider that the main issues are:

   - The effect of the proposed development on the character and appearance of the area; and
   - The effect of the proposed access on the amenity of future occupiers of the proposed bungalow and existing residents at 133 to 147 Whitby Road, with regard to noise, additional activity and disturbance.

## Reasons

*Character and appearance*

5. The appeal site lies mainly to the rear of the properties in Whitby Road within a residential area of Ipswich. The appearance of the dwellings in Whitby Road vary but comprise mainly pairs of two storey semi-detached dwellings of various architectural designs. The pairs of houses have generous gaps between them, allowing space for single storey garages to the side and rear. This gives a spacious open character to the frontages. When compared to the other properties in the area there is a very large gap, between the existing houses and this is where access to the appeal site is located. Substantial allotments lie to the north.

6. Access to the site is from Whitby Road. At the time of the site visit the main part of the land was vacant. Other than a few trees and shrubs, within and overhanging the boundary fencing it had been largely cleared of vegetation. The plans show that in addition to this vacant land, the appeal site includes part of the gardens, drives and a small garage from the adjacent properties.

7. The proposed development would see the demolition of the single storey garage and provision of a pair of semi-detached, three bedroomed houses to the rear of the site and a detached bungalow to the frontage. These would have gardens backing onto the properties in Sidegate Lane. Seven parking spaces would be sited to the rear of the gardens of No's 141 to 149 with a further two to the rear of the proposed bungalow.

8. The proposed two bedroom bungalow would be sited to the south of the site with its frontage to Whitby Road. Access to the houses and parking spaces would be between the maisonettes at No 147 and No 149, and the proposed bungalow.

9. The addition of new dwellings to this currently undeveloped site, would undoubtably change the open appearance of the frontage. However, the spacing between the dwellings adjacent to the appeal site, when compared with other dwellings in the area, already makes it unusual. Therefore, the provision of a new dwelling would not in itself, be harmful to the character and appearance of the area.

10. The new access would create a narrow drive in close proximity to the existing dwellings and the proposed bungalow. This is not a characteristic often repeated in the area and it would be visible from the street. However, it would not be particularly pronounced due to its narrowness and would appear as little more than a domestic driveway. It therefore would not have an unacceptable impact on the character and appearance of the area.

11. The proposed houses would be set behind the existing dwellings, down the narrow access. Consequently, they would appear to be both physically and visually isolated from Whitby Road. Moreover, the proposal would result in the loss of garden from the adjoining properties, leaving them with smaller gardens which would be at odds with other development in the area.

12. There is a strong pattern of semi-detached two storey houses in this part of the road. Accordingly, an isolated bungalow between the two storey houses would appear incongruous and out of kilter with this prevailing pattern of development. I acknowledge that there are several other bungalows in the

wider area. However, these generally tend to be in small groups, with examples of isolated bungalows succeeding to varying degrees. Overall, I consider that granting a further inappropriate dwelling, would further erode the sense of unity and cohesion in the locality.

13. I acknowledge that the proposed development makes good use of an otherwise underused parcel of land. However, I consider that the proposal would be seen in stark contrast to the other development in the locality, appearing isolated and overdeveloped. The considerable hard landscaping and parking areas have an uncompromising appearance, which would further add to the over developed appearance of the site.

14. It would thus fail to enhance local character and distinctiveness, resulting in significant harm to the character and appearance of the area. It would therefore be in conflict with Policies DM5 and DM13 of the adopted Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document review (2017), (LP). In summary these policies seek to protect and enhance the special character and distinctiveness of Ipswich.

*Living conditions*

15. The proximity of the new access to Nos 147 to 149 and the new bungalow, means that it would be sited very close to these dwellings and their respective gardens. The shared nature of the access means that its use would fall outside the control of the occupiers of all of the affected dwellings. Moreover, it would provide parking not only for the proposed dwellings but the displaced parking for No 149. The positioning of the new bungalow adjacent to the proposed access, means that vehicles would be passing in very close proximity to its entire side elevation and most of the garden. It would be the same position for the occupants of No 147 and 149.

16. Similarly, the proposed main parking areas would be sited very close to the rear gardens of the adjoining residential properties. The available garden for the pair of maisonettes is very limited in size and the parking area extends some distance along the side boundary of No 133.

17. Consequently, I find that the levels of noise and disturbance from vehicles passing, parking and manoeuvring in such close proximity to these dwellings and small gardens, would unacceptably harm the living conditions of the existing occupiers of 141 to 147 Whitby Road, and the future occupants of the proposed bungalow such that the appeal should be dismissed. The proposed development is therefore contrary to Policy DM13 of the adopted Ipswich Core Strategy and Policies DPD (2017). This policy sets out that new infill development will not be permitted, unless it protects the amenity of neighbouring and future residents.

**Other matters**

18. The Council in their decision have raised concerns about the lack of ecology and an arboricultural surveys. The site was vacant and laid mainly to grass at the time of my visit. I note that it is not the Appellants intention to remove any trees, but I have insufficient information to assess whether the proposed development would be likely to have an adverse effect on bio-diversity or trees outside the appeal site. However, as I have already identified significant harm to the character and appearance of the area, and the living conditions of

existing and future occupiers, such that the appeal should be dismissed I have not considered this further.

19. It is recognised that the proposed development would provide some benefits by providing a single access rather than two. It would also provide some improvement for parking for No 147 by providing manoeuvring space for vehicles within the site. These limited benefits do not however lead me to a different conclusion.

20. I have had regard to the Appellants offer to provide acoustic fencing to the rear and side boundaries of affected dwellings. Although this could be secured by a suitably worded condition and may assist with noise attenuation it would not adequately overcome the above concerns or justify allowing this appeal.

21. My attention has been drawn to other sites where similar development has been permitted, including a development at Valley Road. I have little evidence before me to confirm the planning history or circumstances for these sites. In any event, I have to determine this appeal on its own planning merits, and their presence would not justify granting this appeal.

**Conclusion**

22. It is common ground that the Council cannot demonstrate a five year supply of deliverable housing. I have also had regard to the local financial contribution the development would make during the course of construction and the benefits outlined above. These are all factors that weigh in favour of the proposed development. However, I have also identified that significant harm would be caused to the character and appearance of the area and the living conditions of existing and future occupiers. This harm would significantly and demonstrably outweigh the benefit of providing these additional three dwellings.

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

*Hilary Orr*

INSPECTOR