
Appeal Decision

Site visit made on 30 September 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/R3515/D/19/3232501

5 Upper High Street, Ipswich IP1 3NE

- 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 Ms Deborah Saynor against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00361/FUL, dated 24 July 2018, was refused by notice dated 7 June 2019.
 - The development proposed is replacement of rear elevation first floor window with French doors and installation of a balcony and spiral stair to garden level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 3 Upper High Street, with particular reference to overlooking and overshadowing.

Reasons

3. 5 Upper High Street (No. 5) is located within a predominantly residential area close to the city centre. Surrounding dwellings take the form of flats, semi-detached two storey houses and terraced houses. The layout of buildings and spaces allows for some overlooking and overshadowing of private space as is typical in an urban environment.
4. No. 5 is one of a terrace of town houses facing Upper High Street. To the rear there is a group of buildings associated with Ipswich Art Gallery (the Art Gallery) including a high brick wall which encloses the rear gardens and access and dominates the view from rear windows in the terrace.
5. The appeal scheme would introduce a balcony within the rear garden serving No. 5 accessed from the first floor living room and positioned above the level of the fences which subdivide the rear gardens. The plans show that the balcony would be of sufficient size to accommodate seating and in the absence of any form of screen direct views would be possible towards the narrow window in the side wall of 3 Upper High Street (No. 3). The majority of this window is clear glazed and the proximity of the balcony to it would facilitate overlooking into internal space.

6. The existing arrangement of first floor windows is such that there is very limited opportunity for inter-looking between the window serving the lounge in No. 5 and the narrow window in No. 3. The layout plans of No. 3 and the photographs of the internal space show the narrow window occupies the corner of the lounge area. Furthermore, the orientation of the walls inside the house and features such as the radiator would be likely to constrain the way in which the room is laid out with furniture. Nevertheless, the narrow window serves a private space and is clear glazed therefore anyone looking out from it would be aware of the close proximity of the balcony and overlooking from the balcony would be unacceptably intrusive.
7. With regard to the potential for the balcony to overshadow the windows in No. 3, the plans show that the study on the ground floor of No. 3 receives light from the bottom part of the narrow window. Given the juxtaposition of the wall to the Art Gallery and the very limited depth of the rear garden serving No. 5, this window would be likely to receive limited light at most times of the day. Bearing in mind that this appears from the plans to be the only window serving the study any direct sunlight which is received would be precious.
8. The appellant maintains that the appeal scheme would not restrict direct sunlight into the window serving the study in No. 3. However, whilst the appellant accepts that direct sunlight may enter this window in the afternoons, there is very limited substantive evidence to demonstrate either the amount of sunlight which is currently received or the effect which the development would have upon it. On this basis I consider it likely that the balcony would have a harmful effect in terms of overshadowing.
9. I conclude that the appeal scheme would have a harmful effect on the living conditions of the occupiers of 3 Upper High Street, with particular reference to overlooking and overshadowing. The development is therefore contrary to Policies DM12 and DM26 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Review Document (2017). These policies jointly, protect the amenity of residents and require that extensions to dwellings do not detract from the amenity of neighbouring residents.
10. For similar reasons the development would not accord with the Ipswich Borough Council Supplementary Planning Document Space and Design Guidelines (2015) which advocates avoiding overlooking of rear facing living rooms and the National Planning Policy Framework (the Framework) in terms of achieving well-designed places.

Other Matters

11. The appeal site lies within the Central Conservation Area (the CA). Paragraph 193 of the Framework requires when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case, on the basis of the location and design of the balcony, the development would preserve the character and appearance of the CA.

Conclusion

12. For the reasons set out above, the appeal is dismissed.

Sarah Dyer Inspector