
Appeal Decision

Site visit made on 20 November 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 6 December 2019

Appeal Ref: APP/R3515/W/19/3233704

41 Blandford Road, Ipswich IP3 8SQ

- 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 B & M Developments against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00329/FUL, dated 1 April 2019, was refused by notice dated 28th May 2019.
 - The development proposed is the erection of dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the: -
 - character and appearance of the area
 - living conditions of occupiers of neighbouring properties with particular reference to noise and disturbance associated with use of the access for vehicular movement and manoeuvring; and: -
 - biodiversity of the area.

Reasons

3. The appeal site lies behind two bungalows on Blandford Road, an established residential street fronted by semi-detached bungalows. Typically, the dwellings are set back from the road by moderate front gardens, many of which have been paved to provide off-street car parking to supplement the side garages for the dwellings, and the bungalows have generous gardens to the rear. 41 Blandford Road is a corner plot and consequently it has a more generous rear garden than is typical.
4. The relatively unaltered frontages of the paired bungalows to the street give the area a strong homogeneity of scale and design. The set back of the bungalows provides a feeling of spaciousness to the street scene and this is reinforced in the area by the size of the back gardens. The uniformity of the set back and adherence to the building line provides a strong grain to the pattern of development in the area. The active frontages, spaciousness created by the gardens, linear layout and homogeneity of buildings provide a strong grain and character to the development in the area.

5. The proposal would place a sizeable bungalow behind No 41, and its associated garage behind 39 Blandford Road. To access the proposed dwelling, the garages serving Nos 39 and 41 would be demolished and new garages built further back from the street.
6. The proposed dwelling would sub-divide the plots of Nos 39 and 41, leaving No 39 with a significantly smaller plot than is typical in the area. The layout of the plot for the new dwelling would be dominated by the footprint of the buildings, the access and car parking. The rear access and parking provision would be atypical of access and parking arrangements in the area.
7. Further, the development would introduce a new dwelling to the rear of the existing buildings, in a position that is out-of-keeping with the grain and pattern of existing development. This would be noticeable from the street and adjacent dwellings and the incongruous positioning of the dwelling, together with the dominance of access and parking of the layout would, in this instance, be so discordant as to constitute material harm to the character and appearance of the area.
8. I therefore conclude that the proposal would result in material harm to the character and appearance of the surrounding area. It would, therefore, be contrary to Policies DM5 and DM13 of the Ipswich Borough Council Local Plan Core Strategy & Policies Development Plan Document -2017- (the Core Strategy) in as much as these policies require that development should, amongst other things, help reinforce and protect the attractive physical characteristics of local neighbourhoods and appearance of the area. Similarly, I find that the proposal would be contrary to the aims of those parts of the National Planning Policy Framework (the Framework) that seek to ensure that developments are sympathetic to local character, including the surrounding built environment.
9. For similar reasons the development would not accord with the advice provided within the Ipswich Borough Council Space & Design Guidelines Supplementary Planning Document -2015- (the Design SPD) which, amongst other things, advises that development should ensure that the character and setting of the local area is protected and enhanced.

Living conditions

10. The appeal site is currently laid out as garden for Nos 39 and 41. It has a shared boundary to the west with the rear gardens to properties fronting on to Bixley Road. The site is elevated slightly above the gardens for the dwellings fronting Bixley Road.
11. The proposal would introduce a vehicle parking and manoeuvring area close to the shared boundary with 79, 81 and 83 Bixley Road. The manoeuvring area would be enclosed on two sides by brick buildings, but open to the east and west. Noise and disturbance from manoeuvring vehicles would, therefore, be channelled to the west and east between the proposed buildings. These gardens provide the principal external amenity area for the dwellings fronting Bixley Road and the host dwellings. The engine noise from vehicles manoeuvring so close to the shared boundaries, in a space enclosed on two sides would be intrusive upon the occupiers of the neighbouring properties.

12. Whilst Bixley Road is a busy suburban street and has a degree of vehicular noise associated with its transport function, the rear gardens of residents of Nos 79, 81 and 83 enjoy a degree of peace, separated from the street activity. I do not consider that the noise generated on the Bixley Road frontage provides justification for the noise intrusion that would result from the development.
13. The proposed drive would, following demolition of the existing garages, pass between Nos 39 and 41 carrying vehicles past the existing dwellings. However, this area is already used for parking and vehicle manoeuvring. The proposal would add additional movements associated with the proposed dwelling. However, I do not consider that the additional disturbance from a single additional dwelling would, in this respect, result in an unreasonable degree of disturbance from vehicular noise and vibration to the occupiers of Nos 39 and 41.
14. I therefore conclude that the proposal would result in unacceptable harm to the living conditions of occupiers of neighbouring properties. Consequently, the development would conflict with Policy DM13 of the Core Strategy which, amongst other things, aims to ensure that small scale infill and backland development protects the amenity of neighbouring residents. For similar reasons, the proposal would be contrary to the aims of those parts of the Framework that seek to create places with a high standard of amenity for existing users.
15. For similar reasons the development would not accord with the advice provided within the Design SPD which, amongst other things, advises that development should not detract from the residential amenity of nearby neighbours.

Biodiversity

16. Policies DM10 and DM31 of the Core Strategy seek to protect trees and wildlife habitat. In order to do this the policies require the submission of information relating to the ecological characteristics and value of the site as part of the decision making process. The site forms part of an area containing generously sized, mature gardens and contains some existing trees and scrubland. It is likely that this could provide a habitat within which local wildlife, including protected species could thrive.
17. It is acknowledged that the Planning Portal states that the provision of a tree report is at the discretion of the Council, but, in this case, the Council have exercised that discretion in order to obtain this information.
18. The Appellants consider that the issue of ecological mitigation could be dealt with by planning conditions. However, I am mindful of the advice provided in paragraph 99 of Circular 06/2005 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The circular further advises that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances. For the reasons set out above, I am not satisfied, in the absence of information to determine whether mitigation is needed, possible or its scope, that planning conditions would provide sufficient mitigation, or that appropriate mitigation could be provided.

19. In the absence of such studies I cannot be satisfied that the development would not have an unacceptable impact upon the biodiversity of the area and so the proposed development would be contrary to Policies DM10 and DM31 of the Core Strategy which seek, amongst other things, to assess and protect against, or mitigate, impact upon trees, wildlife and habitats. Similarly, the development would be contrary to the aims set out in Section 15 of the Framework.

Other Matters

20. My attention has been drawn to other backland developments in the area. However, these developments are not within the immediate vicinity of the proposal and they are not part of the site context of the appeal scheme. I have, in any case, determined this appeal on its own merits.

Planning Balance

21. The parties agree that the Council is unable to demonstrate a five year housing land supply. Therefore Paragraph 11 d) of the Framework applies.
22. The development would provide benefits in terms of delivering an additional home to boost housing supply. There would be benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses. The proposal is situated in a relatively accessible location and future occupiers would not rely solely on the use of the private car to satisfy their transport needs. Taken together, and given the scale of the development, these benefits carry limited weight.
23. I have found that the development would result in material harm to the character and appearance of the surrounding area, the living conditions of neighbours and would have significant potential to adversely impact upon the biodiversity of the area, contrary to policies within the Core Strategy. The Core Strategy was adopted comparatively recently, following consideration against the Framework as it was at that time. These policies accord strongly with the aims of the Framework and so I attach significant weight to these matters.
24. In conclusion the identified harm would significantly and demonstrably outweigh the benefits provided by the scheme when assessed against the policies in the Framework taken as a whole.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

I Dyer

INSPECTOR