



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: 9 December 2019

Appeal Ref: APP/R3515/W/18/3211932

Land to North and West of 119 Felixstowe Road, Ipswich IP3 8EA

- 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 Howard and Mr McGovern against the decision of Ipswich Borough Council.
 - The application Ref IP/18/00104/FUL, dated 31 January 2018, was refused by notice dated 29 March 2018.
 - The development proposed is the erection of two storey detached dwelling with garage and off road parking and all ancillary works utilising the existing vehicle and pedestrian access from the highway.
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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 surrounding area;
 - the living conditions of neighbours and future occupiers; and: -
 - highway safety with particular regard to the access onto the public highway.

Reasons

Character and appearance

3. The appeal site lies to the rear of 119 Felixstowe Road. Felixstowe Road is an urban street and, in the vicinity of the site, is fronted by a mix of residential and commercial properties. The properties to the west of No 119 are in commercial use, with shop fronts at ground floor level.
4. The site lies within the California Urban Character Identity Area. This is a historic suburb developed between the mid-19th and early 20th centuries. The existing development is laid out in a grid pattern, with buildings facing the street. Dwellings are usually set back behind modest front gardens, which are often used for parking cars, and generally have long back gardens that provide a sense of spaciousness to the rear. Buildings form terraces and groups with a degree of homogeneity of design and scale. The active frontages, spaciousness created by the long back gardens, grid layout and homogeneity of buildings within groups provide a strong grain and character to the development in the area.

5. The buildings fronting onto Felixstowe Road are predominantly terraced, whilst those on the side roads are predominantly semi-detached. However, No 119 is detached from its neighbour at 121 Felixstowe Road by a narrow gap. Between 115 Felixstowe Road and No 119 is a more generous gap.
6. The proposal would introduce a sizeable dwelling, together with a garage, into the backland area behind No 119. This dwelling, set behind a garage, would lack an active frontage to Felixstowe Road. Further it would introduce a structure behind the line of existing buildings on either Felixstowe Road or Newton Road that would be out-of-keeping with the prevailing grain of development in the area. The dwelling, although using comparable materials to those found in local buildings, would be of a different design style to the buildings behind which it would sit and would occupy a greater proportion of the plot than is generally the case in the area. Taken together, this lack of resonance with the design of the surrounding buildings, the anomalous positioning and plot layout and the lack of an active frontage would be so out-of-keeping as to constitute material harm to the character and appearance of the area. This disparity would be apparent from the windows in the rear faces of surrounding buildings and through the accessway from the public realm.
7. My attention has been drawn to a nearby development at 79-83 Felixstowe Road. However, I have limited information regarding the planning background of this development and so I am unable to determine whether, or not, it forms a direct contextual comparison to the appeal proposal. I have, in any case, determined this appeal on its own merits.
8. I 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 -2019- (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 of neighbours and future occupiers

10. There are upper floor windows in the rear elevation of No 119. Further, buildings facing onto Newton Road have windows in their first floors facing towards the site. Currently these windows have no residential units close behind them.
11. The layout proposed would introduce a two storey house with its front elevations, incorporating windows on both levels facing directly towards No 119. Windows in the buildings facing Newton Road would have views directly overlooking the main private amenity space of the proposed dwelling.

12. The Design SPD recommends a minimum distance of 21 metres between the rear and main elevations of facing properties and a minimum distance of 9 metres between the elevations of properties to a residential boundary. With the proposed layout of the development the distance between No 119 and the proposed dwelling, and the proposed dwelling and the garden of No 119 would be significantly less than the recommended distances. This would be likely to result in an intrusive relationship between these dwellings by reason of mutual overlooking.
13. The dwelling would reduce the garden for No 119, leaving that property with a short garden on the northern side of the building. This area would be likely to be in shade for much of the day, leaving the existing residents with an area that would only provide a poor quality of external amenity.
14. Furthermore, the garden to the rear of the proposed dwelling would be north facing and overlooked by windows in the buildings to the west. This, combined with the use of the adjacent area to the rear of the buildings of Newton Road for parking cars and the disturbance that is likely to result therefrom, would severely affect the future occupiers' enjoyment of their principal private outdoor amenity area. In this context, that lack of privacy would constitute an unacceptable level of harm.
15. The existing access onto Felixstowe Road from No 119 includes an area of hardstanding which could provide off street parking for the current occupiers of the flats, although this was not the case at the time of my site visit. The proposal would displace this parking, although the plan shows parking for No 119 within the front garden, accessed from the existing dropped kerb. The application form claims the provision of four parking spaces, but these are not clearly identified on the plan. However, the site is in a location with access to services within walking and cycling distance, and public transport. Also, the nearby streets and junctions are safeguarded from obstruction by on-street parking controls.
16. The Suffolk County Council Suffolk Guidance for Parking -2014- (Second Edition 2015) allows a reduction in parking provision in certain circumstances, such as where a site is in close proximity to local services; and where there are on street parking controls such as those around the site. Therefore, in this particular case, a relaxation would seem acceptable in principle taking into account existing conditions in the area. I therefore do not consider that the level of parking provision proposed would result in harm to the amenity of future occupiers of the proposal or those of neighbouring properties.
17. I conclude that the proposal would result in material harm to the living conditions of neighbours and future occupiers and would be contrary to Policy DM13 of the Core Strategy which requires, amongst other things, that small scale infill and backland development is sited in a location where it would not be disturbed by other land uses and protects the amenity of neighbouring residents. The proposal would also be contrary to the aims of those parts of the Framework that seek to create places with a high standard of amenity for existing and future users.
18. 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.

Highway safety

19. The existing access to the site serves only No 119. This access would be shared by the proposed dwelling. The additional dwelling would add the vehicular movements associated with an additional household to the existing use.
20. Felixstowe Road is a busy urban street with multiple frontage accesses. In the vicinity of the appeal site it is subject to a 30 MPH mandatory speed limit and carries two-way traffic. The Highway Authority have, in the absence of a supporting traffic speed survey to justify a reduction in the required visibility, requested visibility splays providing 90 metres visibility at a setback of 2.4 metres from the edge of the running carriageway. This would accord with the requirements for visibility set out in the Design Manual for Roads and Bridges (DMRB). However, Manual for Streets 2 -2010- (MfS2) should be the starting point for the design of roads and streets that are not Trunk Roads, and a presumption in favour of applying the standards set out within that document would normally be appropriate unless local context demands otherwise. For a 30 MPH design speed MfS2 would require visibility of 43 metres at a setback of 2.4 metres.
21. The number of accesses on this section of Felixstowe Road and the commercial and residential activity provide active frontages and, in this location, the "movement" and "place" functions of the road as referred to in MfS2 are balanced more in favour of the "place" function. At the time of my site visit, albeit that this provides only a snapshot in time, traffic was free flowing. There are no features of topography that would be likely to reduce vehicle speeds significantly. I would, therefore, consider that the design guidance contained within MfS2 and, in the absence of a supporting speed survey, a 30 MPH design speed would be appropriate in this instance.
22. The footway fronting the site is narrow and insufficient to provide a 2.4 metre setback within highway land. Visibility splays are required to ensure that emerging and approaching drivers have sufficient warning of each other's presence and intentions to allow safe manoeuvring. To ensure the availability of visibility splays they should be either under the control of the owner of the access, or in public ownership.
23. I have little evidence before me to demonstrate that vehicle speeds on Felixstowe Road are significantly lower than the speed limit, or the magnitude of visibility splays that could be provided within land under the appellants' control. Visibility to the east could be improved should the hedge fronting No 119 be removed. However, the access is close to the boundary to the west and, with a 2.4 metre setback, would almost certainly cross the adjacent forecourt unless a very significant reduction in design speed were justified.
24. In the absence of adequate visibility at the required setback within the control of the appellants it is likely that vehicles will edge forward onto the running carriageway until drivers consider that they are able to pull clear of the access. This would be likely to require the bonnet of the vehicle to intrude a significant distance into the carriageway during the egress of the vehicle.
25. Whilst manoeuvring space is provided within the appeal site, this is restricted, and I have little evidence before me to demonstrate that it would be adequate to allow all vehicles to turn within the site to enter and leave in forward gear.

Further, the layout introduces conflict between vehicles accessing parking spaces serving separate households at the entrance.

26. The proposal would intensify the use, and this intensified use would be for a number of separate households. The number of vehicular conflicts and their complexity would increase, although the increase in the number of vehicle movements would be small. No accident history has been identified at or in the vicinity of this junction, albeit that there are other private accesses serving individual dwellings nearby with restricted manoeuvring and visibility.
27. Drawing these matters together, given the potential risk to the public I have decided to take a precautionary approach. Based upon the evidence before me, taking into account the likely additional conflicts associated with the intensification of use and layout of the access, it has not been demonstrated that safe access could be provided for the proposal.
28. My attention has been drawn to an appeal decision (Appeal Ref APP/D3505/W/17/3191313). However, I have limited information before me to decide whether that development forms a direct contextual comparison to this proposal and, in any case, I have considered this proposal on its own merits.
29. The vehicle crossover does not currently provide sufficient width for two vehicles to pass at the entrance. However, sufficient width exists along the side of No 119 to widen the crossover to suit. Were I minded to allow this appeal, this could be provided by a suitable planning condition.
30. I conclude that the proposal would result in material harm to highway safety with particular regard to the access onto the public highway. It is thus contrary to Policies DM13, DM17 and DM18 of the Core Strategy which, amongst other things, require development to have safe access, make safe provision for car parking and not result in severe adverse impact upon highway safety. Similarly, the proposal would be contrary to those parts of the Framework that aim to ensure that safe and suitable access to development can be achieved for all users.
31. For similar reasons the development would not accord with the advice provided within the Design SPD which, amongst other things, advises that development should provide adequate visibility from sites onto the main highway.

Planning Balance

32. The parties agree that the Council is unable to demonstrate a five year housing land supply. Therefore Paragraph 11 d) of the Framework applies.
33. 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.
34. 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 future occupiers and would fail to provide safe access for motor vehicles, 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.

35. 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.
36. My attention has been drawn to recent appeal decisions that have dealt with the matter of detriment to the character and appearance of an area where authorities do not have a five year land supply. I have limited information before me regarding these decisions upon which to draw a contextual comparison with the proposal before me. I have, in any case, determined this appeal upon its own merits.

Conclusion

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

I Dyer

INSPECTOR