



Appeal Decision

Site visit made on 16 December 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/R3515/W/19/3237391

8 Roy Avenue, Ipswich, Suffolk IP3 8LN

- 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 & Mrs Smy against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00435/FUL, dated 30 April 2019, was refused by notice dated 1 August 2019.
 - The development proposed is described as 'erection of detached bungalow'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would have a safe and suitable access;
 - The effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular reference to noise and disturbance; and
 - The effect of the proposed development on the character and appearance of the area, including a Cider Gum Tree.

Reasons

The adequacy of the site access

3. The proposed dwelling would be accessed from the busy Foxhall Road by an existing narrow and gated driveway to the side of 493 Foxhall Road. It is unclear how this drive is currently used and by whom, but it seems to have historically provided pedestrian and vehicular access to several properties. A second pair of gates mark the entrance from the driveway into the appeal site.
4. The existing driveway is overgrown and obstructed by a reasonably large Cider Gum Tree. Therefore, regardless of what legal access rights may be in place to use the route, it is apparent that the existing access from Foxhall Road to the appeal site is little used and may not have been used for some time. This is unsurprising because the residents of 8 Roy Avenue benefit from a front parking forecourt, and access to the garden is provided through the garage.
5. As such, there is currently little need to enter the appeal site from Foxhall Road. At best, the driveway is likely to function as an occasional secondary

route to the appeal site. This is a situation unlike that at 93 Heath Road (Ref APP/R3515/W/17/3170404), which proposed the intensification of a wider and more frequently used access than that proposed as part of the appeal scheme.

6. The proposed dwelling would be accessed solely from Foxhall Road with all associated vehicular movements travelling up and down the driveway. Accordingly, the development would result in a marked intensification in the use of the route from Foxhall Road, even though the dwelling would be modest in size. The Local Highway Authority have raised concerns over this, explaining that the visibility splays at the Foxhall Road entrance are sub-standard. This is what I observed, as there did not appear to be adequate space to establish and maintain pedestrian or vehicular splays without them crossing the neighbouring front gardens, one of which has a fence alongside the access. The appellant has not provided a drawing demonstrating visibility splays. Accordingly, the proposal would result in the intensification of a sub-standard access.
7. Moreover, the access and driveway is not, and would not, be large enough for two vehicles to pass. If a motorist entering the site were to meet one exiting, then they may need to wait in the highway or reverse out onto Foxhall Road. As already established, there would be inadequate visibility so such a manoeuvre would likely be hazardous. The absence of somewhere to safely store bins could result in these receptacles being an additional obstruction to pedestrians using the pavement or motorists wanting to use the access drive. It is not difficult to envisage a situation where the bins block the drive and therefore a motorist wishing to use it would have to exit their vehicle to move them, thereby resulting in a temporary blockage of the busy road. Similarly, delivery drivers would be tempted to park in Foxhall Road, perhaps on double yellow lines, rather than negotiate the very narrow access driveway.
8. The impact on the wider road network would not be severe and the proposal would provide an adequate level of parking so there would be no conflict with Policies, DM17 and DM18 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document 2017 (DPD). Nevertheless, the absence of harm in these respects would not mitigate for the intensity of the use of a substandard access, which would unacceptably impact highway safety. Thus, in conclusion the access would be unsafe and unsuitable. The proposal would therefore be at odds with Policy DM13 of the DPD, which seek to secure developments that provide a safe and convenient access.

The effect on the living conditions of the occupants of neighbouring properties

9. As already explained, the access is over grown and appears little used due to its general condition. There may be some use of the access by the occupants of other properties, such as Nos 493 and 495 Foxhall Road, but I have seen nothing of substance to suggest the drive is regularly used, perhaps daily. Unlike the scheme approved under Council Reference 16/01012/FUL, there would be no space to provide any buffer between the access driveway and the boundary of neighbouring properties.
10. The occupants of the appeal building would need to use the access on a daily basis. This would result in an increase in noise nuisance and disturbance from vehicles passing and repassing the flank elevations and rear gardens of the properties alongside the drive. The close proximity of the vehicles would result in the activity being very apparent and uncomfortable. The rear gardens are private spaces where occupants can reasonably expect a quieter environment.

Moreover, there are windows in No 493 facing the driveway which vehicles and pedestrians would pass at very close range.

11. I therefore conclude that the appeal scheme would harm the living conditions of neighbours through an increase in noise and disturbance. This would be at odds with Policies DM13 and DM26 of the DPD, which seek to secure development that protects the amenity and quality of life of neighbouring residents from nuisance.

The effect on the character and appearance of the area

12. The area around the appeal site is broadly residential in character with most dwellings orientated to address main roads and residential streets, such as Foxhall Road and Britannia Road. This affords the area a discernible perimeter block structure with the edges of the 'blocks' generally formed by dwellings and the interiors usually comprised of adjoining rear gardens. Roy Avenue is a cul-de-sac that departs from the general pattern of development as it has encroached behind the prevailing building lines, albeit in a comprehensive way.
13. The presence of Roy Avenue already facilitates glimpsed views of houses behind those in the building lines fronting Foxhall Road and Britannia Road. The appeal scheme would be viewed from Foxhall Road in the context of the houses in Roy Avenue and therefore it would not appear as a strident incursion into the area behind the frontage development along Foxhall Road. However, the appeal scheme would be tandem development. This is not the preeminent layout in the area. Nevertheless, the appeal scheme would not be entirely out of place in this respect given the presence of two bungalows broadly opposite 8 Roy Avenue in a tandem arrangement accessed from Britannia Road.
14. Significantly, the proposed dwelling would be modest in size and single storey. Therefore, it would not appear overly large in its plot, a point aided by the proposed siting back from the site boundaries. The proposed garden would provide some space for landscaping to soften the presence of the dwelling and compensate for the loss of some existing smaller trees. The dwelling would not be prominent in views from Foxhall Road or Roy Avenue, but it would be visible from neighbouring properties. However, these views would be of a modest structure from reasonably distant vantage points filtered by landscaping. As such, the bungalow would not be unduly prominent.
15. The implementation of the appeal scheme would require the felling of a Cider Gum Tree. This is accurately described as being of moderate value, being reasonably mature but set back from the street and therefore not particularly prominent in public views. Thus, the loss of the tree would not injure the street scene to any significant extent. Nothing of substance has been submitted to demonstrate it would be impossible or undesirable to impose a condition requiring compensatory tree planting at the appeal site on a two for one basis as required by Policy DM10 of the DPD. Moreover, the tree was not subject to a Tree Preservation Order at the time the Council made its decision and this situation does not appear to have changed. As such, the tree could be felled without consent being required. Given that the tree blocks the existing driveway this may occur regardless of whether the appeal is allowed.
16. In conclusion, the proposal would preserve the character and appearance of the area and the loss of the Cider Gum Tree, which is of moderate amenity value, can be mitigated by new tree planting. Consequently, there would be no

conflict with Policies DM5, DM13 and DM10 of the DPD, supported by The Space and Design Guidelines Supplementary Planning Document 2015, which together seek to secure development that protects the character and distinctiveness of Ipswich, local neighbourhoods and individual street scenes.

Other Matters

17. The Council are currently unable to demonstrate a five-year housing land supply. In such circumstances Paragraph 11 of the National Planning Policy Framework (the 'Framework') states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
18. Adverse impacts of the proposal would include an unsafe and unsuitable access and a harmful impact upon living conditions through noise and disturbance. This would be at odds with Paragraphs 108 (b), 109 and 127 (f) of the Framework. These are matters of significant weight as they relate to safety and living conditions, which are important components of securing sustainable development. They are also at odds with the development plan policies already quoted, which are consistent with the paragraphs of the Framework already referred to. The conflict with these policies is therefore a matter of significant weight in the context of this appeal.
19. When considering the benefits of the appeal scheme it is apparent that the proposal would boost housing supply, and this would help to address the housing shortfall. However, the contribution in this respect would be very modest as only a single dwelling is proposed. Evidence has not been provided to suggest local services, facilities or clubs are suffering for lack of patronage and therefore the modest support to the local economy and community provided by the development would be of limited weight. The proposal would also result in benefits to the construction industry, but these would be short lived. As such, the evidence before me indicates the cumulative benefits of the proposal should carry limited weight.
20. Thus, the cumulative adverse impacts of the appeal scheme would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework taken as a whole. This does not indicate a decision should be taken other than in accordance with the development plan.

Conclusion

21. The proposed development would preserve the character and appearance of the area. However, it would not have a safe and suitable access and would harm the living conditions of neighbours. Therefore, the proposal would not accord with the development plan taken as a whole. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR