
Appeal Decision

Site visit made on 12 November 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/R3515/W/19/3235157

Land to the rear of 209 Bramford Lane, Ipswich IP1 4ER

- 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 T Huggins against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00079/FUL, dated 14 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address for the proposed development on the original application form was '209 Bramford Lane, Ipswich IP1 4ER. For clarity I have taken the address of the site from the appeal form and the Council's decision notice as it better identifies the site.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; (ii) highway safety and (iii) the living conditions of the occupiers of 209 and 211 Bramford Lane with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The immediate area is predominantly characterised by uniform rows of two-storey terrace housing. The properties are generally set close to the road frontage with long narrow gardens to the rear. The appeal site is part of the rear garden area of 209 Bramford Lane (No 209). This property benefits from a significantly larger plot than its neighbours, with a driveway to the side leading to the rear of the property. The garden stretches beyond and behind the rear boundaries of neighbouring gardens, resulting in a somewhat reverse 'L' shaped plot. It has been subdivided by timber fencing, forming a separate garden area close to the existing dwelling, approximately half the length of the others in the terrace. The eastern side of the site forms a boundary with a pedestrian alleyway that leads to an infant school and nursery which is situated to the rear of the site.

5. Despite the modest size of the proposed dwelling, its layout sited to the rear of terrace housing, tight up against its eastern and southern boundaries with only a comparatively small garden and a frontage dominated by a long access and shared parking area, would be out of character with the prevailing rhythm and pattern of nearby residential development. In this context, notwithstanding the overall size of the site, the proposed dwelling would also appear unduly cramped within its plot and the donor property would be left with a garden area significantly shorter than its neighbours.
6. Whilst the dwelling would not be prominent in the street scene it would be visible from public views and from the rear of neighbouring properties and their gardens, where it would be out of context with its surroundings. The intensified parking and vehicular activity would further draw attention to the proposed dwelling in this back garden location. Consequently, I consider that the proposal would introduce an inappropriate feature to the site that would fail to integrate effectively with the spatial pattern and character of the surrounding built form.
7. I acknowledge that a building already exists to the rear of the host terrace and would share a boundary with the appeal site. However, whilst this is an example of backland development close to the appeal site, this building is not a dwelling and it shares an access that accommodates vehicular movements to a number of garages. I also note the configuration of dwellings at Putney Close. However, I do not consider there are any direct comparisons that weigh in favour of the proposal. In any event, each proposal needs to be considered on its own merits and this is the approach that I have taken.
8. I therefore conclude that the proposed development would have a significant harmful effect on the character and appearance of the area. Thus, the proposal would conflict with Policies DM5 and DM13 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review 2017 (LP). These policies when combined, seek to protect and enhance the special character and distinctiveness of neighbourhoods and protect the setting of existing buildings and the character and appearance of the area. The proposal would also be contrary to the aims of the Ipswich Borough Council Space and Design Guidelines Supplementary Planning Document 2015 (SPD). Further, it would conflict with the National Planning Policy Framework (the Framework) in this regard.

Living conditions

9. No windows are proposed to either the eastern or southern elevations of the dwelling and there would be sufficient window to window separation distance between the appeal dwelling and neighbouring properties to ensure no significant loss of privacy would be introduced. In addition, I am satisfied that the level of overlooking of neighbouring garden areas that would be generated by the proposal, in the context of an existing level of overlooking between properties, would not be so significant as to be harmful to the occupiers.
10. The proposal would result in a parking and manoeuvring area between No 209 and the new dwelling. This would serve both properties. Although no detailed layout for this area has been provided it is highly likely that cars would be parked immediately adjacent part of the side boundary of 211 Bramford Lane (No 211). This would introduce a number of daily vehicular movements within this area and along the access. There would be a degree of noise and

disturbance from that movement, the sound of car doors and of engines being started. In my view, the close proximity of vehicular movements to Nos 209 and 211 would result in harmful noise and disturbance to the occupants of these properties.

11. Whilst I have not found harm in terms of privacy, I have found that the proposal would unacceptably harm the living conditions of the occupiers of 209 and 211 Bramford Lane with regard to noise and disturbance. Consequently, it would conflict with LP Policy DM13 and paragraph 127 of the Framework which together, amongst other things, require high quality design and protection of residential amenity.

Highway safety

12. The Highway Authority advise that the proposed development fails to demonstrate that safe access to the public highway could be provided. Although the access with dropped kerb already exists, the intensification of its use requires demonstration of visibility splays which the Highway Authority state cannot be provided. I saw on my site visit that visibility is restricted by adjacent fencing and the presence of cars parked in front of the host terrace. In addition, the restricted width of the access would not allow for two vehicles to pass each other when entering or exiting the site.
13. I find it somewhat inevitable that occasions of vehicle conflict would occur, with two vehicles attempting to enter or exit the site at the same time. At such times, one vehicle would be required to reverse either out onto Bramford Lane or back into the site. This would inevitably lead to inconvenience and increased risk to the safety of other users of the highway, including pedestrians using the footpath which the access crosses.
14. The presence of the pedestrian access to the primary school and nursery, immediately adjacent the site, would not necessarily give rise to better driver behaviour as the appellant suggests. To my mind, this relationship with more vulnerable users of the highway in such close proximity to the proposed access, requires careful consideration of, and adherence to highway safety guidance.
15. I have not been presented with any substantive evidence from the appellant to support their contention that there is ample land available to provide adequate parking and turning within the site or that the likelihood of vehicles reversing on to the highway would be negligible.
16. While the harm would be limited by the small scale of the development, I nevertheless conclude that it has not been demonstrated that there would be appropriate parking and manoeuvring provision to serve the occupiers of No 209 and the future occupiers of the proposed development. In addition, I find that there would be limited visibility available to drivers exiting the proposed access, and conflict between users would occur. This would be to the detriment of highway safety. The development would therefore be contrary to LP Policies DM13, DM17 and DM18 and the standards provided by the adopted Suffolk Guidance for Parking Technical Guidance 2015 which, among other things, seek to ensure that developments deliver adequate parking provision and are served by a safe means of access. In addition, it would conflict with the Framework in this regard.

Other Matters

17. I understand from the evidence provided that the appeal scheme is a resubmission of a previously approved application (ref IP/11/00233/FUL). However, the policy background, both locally and nationally, has changed since that decision. I have found, for the reasons set out above that the proposal would result in conflict with the development plan. I therefore give the previous decision very little weight in this case.
18. Reference has been made that the rear of locally listed Bramford Road Methodist Church can be viewed from Bramford Lane across the site. Given the height and position of the proposed dwelling in relation to Bramford Lane and the height of the Methodist Church in the distance, I am satisfied that the existing view would not be compromised to any significant degree. I consider that no harm would be caused to the setting thus the significance of this heritage asset.

Planning Balance

19. It is common ground that the Council cannot demonstrate a five year supply of deliverable housing. I acknowledge that the proposal would represent a windfall site in a sustainable location and would make a small contribution to the supply of housing. The proposal would provide a limited amount of short-term employment during the construction phase and by the support for services by future occupiers. I have concluded, however, that it would unacceptably harm the character and appearance of the area, the living conditions of neighbouring properties and would be detrimental to highway safety, in conflict with the Framework as well as with development plan policies. These are environmental and social concerns which are sufficiently compelling for me to conclude that the appeal should not succeed.

Conclusion

20. For the above reasons the appeal is dismissed.

S Tudhope
Inspector