



Appeal Decision

Site visit made on 4 February 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2020

Appeal Ref: APP/R3515/W/19/3230959

2 Summerfield Close, Ipswich IP4 3NS

- 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 D Hibbert against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00144/FUL, dated 9 February 2019, was refused by notice dated 10 April 2019
 - The development proposed is described as the "erection of two chalet bungalows".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on 1) the character and appearance of the area, 2) the living conditions of adjoining occupiers with particular regard to noise and disturbance to the host property, Summerfield Court, Humber Doucy House and 93 Humber Doucy Lane and, 3) ecology and trees.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden of 2 Summerfield Close which is a detached bungalow and sits within a small estate of other detached bungalows, the majority of which are set within very large and spacious plots. The area is generally suburban and displays an open and loose knit character that is reinforced by the spacing about and between dwellings, along with the open layout of development along Summerfield Close. The site lies on the edge of the built up area with open fields that form the rural edge of the settlement to the east.
4. In this particular case, the siting of the dwellings so close to the rear boundary of the site, the lack of spacing about them and the large area given over to parking and turning areas to the front of the dwellings, would erode the loose knit character of the area. The proposal would appear cramped when viewed against the prevailing character of development that not only exists within Summerfield Close, but also dwellings that exist in the wider vicinity, such as those along Humber Doucy Lane. The dwellings would fail to demonstrate similar spatial characteristics as the other bungalows that exist on Summerfield Close, and while I would not expect a development to slavishly adhere to a

particular layout, it must nevertheless ensure that it can assimilate successfully without causing harm.

5. Although the host property would retain a semblance of spaciousness as a result of the private garden area that would remain for its own use, this cannot be said of the proposed dwellings. While I accept that there is no requirement for a development to have its private garden area to the rear of the property, the layout is nonetheless illustrative of a proposal where the majority of the site would be given over to built development in the form of the dwellings themselves and the proposed access and parking and turning areas. The proposal fails to take account of the established open suburban grain that the area displays. Thus, the proposal would result in a cramped and awkward form of development that would reduce and erode the openness that is characteristic in the area.
6. I do not find the principle of backland or tandem development itself a reason to find the proposal harmful in its own right, and I acknowledge that Summerfield Close itself can be considered as a backland form of development, along with the dwelling at 93 Humber Doucy Lane. Nonetheless, I find the development at Summerfield Close and at 93 Humber Doucy Lane to display a greater degree of openness when compared to the proposed development where the siting of the dwellings so far back into the site in order that parking and turning areas for vehicles can be provided, would harm the spatial characteristics of the area and in particular, the open character that Summerfield Close enjoys. Furthermore, the distances between the proposal and its neighbours depends more on the generous spaces within neighbouring properties than on the space proposed within the site.
7. Moreover, while I accept that the appeal site is part of the garden area of the host property, it still retains a sense of openness that is compatible with the overall character that forms the area. The development would suburbanise this part of the garden, eroding the open character of the area and would be clearly visible over the existing landscaping that forms the boundary and from surrounding properties.
8. In addition, the 21m distance as advocated in the Council's Supplementary Planning Document¹ (the SPD) is required to ensure that the privacy of adjoining properties is not compromised, as depicted in figure 2 of the SPD, and not to justify a development that would cause harm to the prevailing character of the area.
9. Thus, the development would result in material harm to the character and appearance of the area. It would be in conflict with Policies DM5 and DM13 of the Ipswich Borough Council Core Strategy and Policies Development Plan Document Review 2017 (the Core Strategy) and the SPD which seek, amongst other things, to ensure that developments protects the setting of existing buildings and the character and appearance of an area.

Living Conditions

10. The Council cite noise and disturbance to adjoining properties from the resultant vehicular activity associated with cars entering, exiting and moving within the site. The access would be provided in the centre of the site and

¹ Ipswich Borough Council Space and Design Guidelines 2015

away from the shared boundaries of Summerfield Court. Therefore, I am not persuaded that the activities at the site would impact on the living conditions of occupiers at Summerfield Court. The development nonetheless shows parking areas adjacent to the adjoining boundary of 93 Humber Doucy Lane and Humber Doucy House, along with a central turning area. However, the parking and turning areas would be some 28m from Humber Doucy House and some 24m from 93 Humber Doucy Lane as indicated in the appellants written statement. Given these separation distances, I am not persuaded that traffic movements within the site would result in undue harm to the living conditions of the occupiers of 93 Humber Doucy Lane and Humber Doucy House.

11. However, the distance of the access from the host property does cause concern, being proposed so close to its side elevation following the removal of an existing conservatory. Notwithstanding that the development only proposes two dwellings, given the close relationship between the access and the host property, traffic entering and exiting the site would result in harm through noise and disturbance to its occupiers. Furthermore, although I accept that the appeal site is currently a garden area which would continue should this appeal fail, noise from the activities associate with a garden use is materially different to vehicles entering, turning and exiting the site.
12. Thus, the development would result in material harm to the living conditions of the occupiers of 2 Summerfield Close. It would be in conflict with Policy DM13 of the Core Strategy and the SPD which seek, amongst other things, to ensure that developments protect the amenity of neighbouring residents.

Ecology and Trees

13. The appellants submitted an ecological impact assessment² as part of their appeal submissions and an arboricultural assessment³ with the planning application. The Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. Furthermore, *Circular 06/2005: Biodiversity and Geological Conservation*, states that a survey should be carried out before planning permission is granted and that surveys should only be required by a planning condition in exceptional circumstances.
14. The appellants ecological assessment reports that while the site is not ecologically important it does contain legally protected native bluebells which will be retained as part of the development or relocated. All invasive non-native plants will be removed from the site. There are also opportunities to compensate for tree and hedge loss and to provide new habitat boxes. In addition, all trees recommended for retention will be protected during construction. Therefore, given the very low ecological value of the site and the opportunity to provide new tree and hedge planting along with new habitats and the protection of existing trees, the development would be acceptable in this regard.
15. Thus, the development would not be in conflict with Policies DM10 and DM31 of the Core Strategy and the National Planning Policy Framework (the Framework) which seek, amongst other things, that landscaping and tree planting is

² Low Impact EcIA, Hybrid Ecology Ltd, May 2019

³ Arboricultural Impact Assessment and Preliminary Methods Statements, TPS, 5th December 2018

integrated into new development and measures to enhance conditions for biodiversity are incorporated in and around a development.

Other Matters

16. The appellants refer to a development at Summerfield Close, Summerfield Court and 93 Humber Doucy Lane as examples of backland development in their own right. However, these developments were all constructed many years ago, which the appellants confirm as being between 1965 and 2010. Moreover, these developments display a greater degree of openness and do not demonstrate sufficiently similar characteristics to the proposal before me as to represent an irresistible precedent in favour of the appeal.
17. I acknowledge that the design of the dwellings is acceptable and that suitable materials could be employed. I also accept that the development would not impact the living conditions of neighbours through either overlooking or overshadowing. However, I do not consider that either individually or cumulatively they outweigh the harm identified above.
18. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

The Planning Balance

19. The development seeks to boost the supply of housing which would result in some support for local services and facilities, both during construction and when the buildings are occupied. As such, the proposal would have social and economic benefits. Nevertheless, given the modest amount of development proposed, the weight I accord these benefits is limited.
20. However, I have found that the proposed development would be contrary to the development plan in that it would result in material harm to the character and appearance of the area and the living conditions of adjoining occupiers, to which I afford significant weight. Moreover, even if the Council is unable to demonstrate a five year housing land supply and whether or not the policies which are most important for determining the appeal are out-of-date, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

Conclusion

21. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR