



Appeal Decision

Site visit made on 16 March 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/X3540/W/19/3240116

53 Wentworth Drive, Felixstowe, Suffolk IP11 9LB

- 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 Paul Minns against the decision of East Suffolk Council.
 - The application Ref DC/19/1820/FUL, dated 30 April 2019, was refused by notice dated 4 September 2019.
 - The development proposed is described as 'proposed new bungalow'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The estate within which the appeal site is located dates from the mid to late-20th Century and has an open plan layout with many unenclosed and generous front gardens intermingled with deliberately planned green spaces. This gives a pleasant suburban character to the estate and a landscaped setting to the homes. The harmony of the estate is reinforced by the pattern of development, where repeated house types are broadly arranged within discernible building lines that front onto and follow the alignment of the roads.
4. The appeal site is prominent in the street scene and encompasses a parcel of land that is open, largely free of development and divided from the rear garden of 53 Wentworth Drive (No 53) by a brick wall. It therefore functions as a landscaped green space and is not previously developed land¹. There are a couple of feature trees within the site and this provides visual continuity with the larger green space to the east. Like the other landscaped amenity areas in the estate, the appeal site softens the built form and provides relief and a visual focus. The balance between landscaped areas and housing is pleasing and appears proportionate. Thus, the appeal site is part of a network of landscaped spaces that are a very important component of the estate's overall character and original design.
5. The appeal site has recently been enclosed by low fencing and a newly planted hedge. This has eroded its open plan appearance. However, it is still possible to

¹ When applying the definition in the National Planning Policy Framework

see through and over the site. Thus, the alterations have not extinguished its value to the street scene and the visual amenity of the area.

6. The erection of a bungalow at the appeal site would erode its openness and require the existing trees to be felled. This would significantly harm the open character of the estate and the softening contribution the site currently makes to the street scene. The retention of a lawn in front of the proposed dwelling would not mitigate for this harmful impact because it would be much smaller.
7. Moreover, the proposed bungalow would harm the pattern of development in the street, appearing incongruous and strident due to a contrived siting notably forward of the properties in Ferndown Road and its very close back to side orientation with No 53. Moreover, the position and configuration of the private garden area adjacent to the front garden of No 53 would harmfully jar with the open character, grain and layout of the estate, particularly because it would need to be enclosed by tall boundary treatment to ensure the privacy of future occupants.
8. The appeal site is not designated or allocated in Policy SP15 of the CSDMP² (or previously by Policy AP28 of the superseded plan) as a formal public open space that should be protected. However, it is impractical to identify all important undeveloped spaces. Therefore, Policy SP15 states that sites, gaps, gardens and spaces will be identified and protected where known. This provides flexibility to protect undeveloped spaces such as the appeal site which are found to be important in their undeveloped state.
9. In conclusion, the proposed development would significantly and seriously detract from and harm the character and appearance of the area. This would be contrary to Policies SP1, SP15, DM21 and DM22 of the LP, which seek to secure development that conserves and enhances the built environment and townscape and relates well to the character of the area. These policies are consistent with Paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) and therefore the conflict with them carries significant weight.

Other Matters

10. Several interested parties have suggested that the appeal site was recently purchased by the appellant and that it was previously public open space/amenity space in the same way many of the other green spaces in the estate are. If this is the case, then a material change of use of the appeal site from amenity space to residential garden land may have occurred. It is for the Council in the first instance to investigate whether a breach of planning control has occurred and, if so, consider the expediency of any enforcement action. As such, this is a matter outside the scope of the appeal.
11. Various other concerns have been raised by interested parties including reservations regarding highway safety, which I have noted. However, given my findings and overall conclusion it has not been necessary for me to address these matters further. Similarly, given my overall conclusion that the appeal should fail, it would have no effect on any European Site/Special Protection Area and therefore it is unnecessary to consider this matter further.

² Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document July 2013

12. The appeal scheme would deliver several benefits as it would be a windfall development within a settlement that would support the local economy through construction jobs and the circulation of funds. However, the contribution in this respect from a single dwelling would be limited. In addition, the proposal would provide a modest boost to housing supply and provide a bungalow for which there is apparently a high demand. Nevertheless, the proposal would also significantly harm the character and appearance of the area and this would be at odds with the development plan. Overall, the benefits of the proposal would be a considerable way off outweighing the harm that would otherwise occur.

Conclusion

13. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR