



Appeal Decision

Site visit made on 14 December 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/R3515/D/20/3255221

38 Park Road, Ipswich IP1 3SU

- 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 M Lawrence against the decision of Ipswich Borough Council.
 - The application Ref: IP/20/00277/FUL, dated 25 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is single storey front and side extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Park Conservation Area and the effect of the proposed development on biodiversity.

Reasons

3. Park Road is a predominantly residential area that lies within the Park Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. Dwellings along the south side of Park Road are generally extensive sized two and three storey detached and semi-detached dwellings from the late 19th and early 20th century, constructed in red brick and set within spacious plots. Typically, they follow a common build line towards the front of their plots and are set behind substantial red brick boundary walls. Front garden areas are largely taken up with hardstanding for parked vehicles together with some mature shrubs and vegetation that soften and break up the built environment. Given their broadly consistent scale, styles and palette of materials, these properties retain a pleasantly uniform appearance.
5. To the opposite side of Park Road and as noted within the Park Conservation Area Appraisal and Management Plan (1994)(CAAMP), the dwellings are mostly developed in a different architectural style and as a consequence of being further set back from the road, they have larger front garden areas with mature trees and planting. Overall, Park Road has a mature streetscape with an attractive and verdant appearance.
6. Paragraph 189 of the National Planning Policy Framework requires that the significance of a heritage asset should be established, to a level of detail

proportionate to the asset's importance and no more than is necessary to understand the potential impact of the proposal on its significance. There is limited evidence before me of any rigorous attempt to investigate the architectural or historical value and hence, significance of the heritage asset as a whole. I understand that this may have been an oversight on the appellant's part but I consider that the limited analysis of significance fails to fully comply with the requirements of paragraph 189 of the Framework. The Framework advises that when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation.

7. Nevertheless, the Council have identified and assessed the particular significance of the heritage asset and I have had regard to the CAAAMP. Although the appeal property is not specifically referred to within the CAAMP, it is a modest detached two-storey dwelling with detached garage situated towards the end of Park Road. Albeit of similar red brick construction, as a later addition to the streetscene, it is considerably smaller in height, scale and mass than neighbouring dwellings. Moreover, it is dissimilar in style, type and design and lacks architectural detailing. The appeal dwelling is an anomaly within the streetscene.
8. Nonetheless, the appeal dwelling is set back from the highway and given its modest scale and its position to the rear of a large mature front garden its appearance within the streetscene is limited. I agree with the Council that the asymmetrical arrangement of the garage juxtaposed against the main dwelling softens its impact and complements the mix of pitched roof buildings to the rear of Nos 40-42 Park Road and No 57 Westerfield Road. Albeit the appeal site appears at odds with neighbouring dwellings along this side of Park Road and displays few characteristics that are common to the CA, it presently makes a neutral contribution to the significance of the heritage asset.
9. The proposal would introduce extensions to the front and side elevations of the appeal dwelling. The Council's decision notice indicates that the side extension is not a matter of contention for the main parties and no other parties have commented on this aspect of the proposal. I also consider that this would be an appropriate addition to the appeal dwelling that would not harm the character and appearance of the CA.
10. Turning to the remainder of the proposed development, the proposed front extension would be broadly similar to the garage in terms of its width, ridge and eaves height and the use of red brick in its construction. Nonetheless, the introduction of an additional forward projecting gable would alter the composition of the discrete asymmetrical layout of the plot and erode the open and verdant quality of the front garden area. Given that any remaining space between the garage and proposed extension would be very limited, the proposal would result in the loss of the entrance to the appeal dwelling. It would introduce a pair of modern, unduly dominant and monotonous forward projecting gables that would amplify the prominence of the appeal dwelling within the streetscene.
11. Although it would not project beyond the build line of neighbouring dwellings, it would remain highly visible above the boundary wall and through the driveway opening from the highway and neighbouring dwellings from where it would be read as a strident and unsympathetic addition with a poor visual relationship to neighbouring dwellings.

12. The proposed combined use of light coloured render and brick together with the replacement of the garage roof and existing windows to match the proposed extension would help to blend the proposal with the appeal dwelling and others nearby, but it would not overcome the harm I have described.
13. Due to its prominence, it would have an erosive and harmful effect on the character and appearance of the CA. Therefore, it follows that the proposal would erode the established character of the CA and so would fail to preserve or enhance its character or appearance. It would conflict with Policies DM5, DM8, DM12 and DM31 of the of the Ipswich Core Strategy and Policies Development Plan Document Review (2017)(CS) and the guidance of the CAAMP insofar as these require a high quality design to protect and enhance the character and appearance of conservation areas and the special character and distinctiveness of Ipswich.
14. The harm identified would amount to "less than substantial harm" and accordingly paragraph 196 of the Framework provides for a balancing exercise to be undertaken between "less than substantial harm" to the designated heritage asset and the public benefits of the proposal.
15. Although the proposed front extension would conceal some flat-roof extensions and walls to the rear of No 57 Westerfield Road and Nos 40 and 42 Park Road, this would not be sufficient to outweigh the harm I have described above.
16. Accordingly, I find that there would be little public benefit to outweigh the identified harm. I therefore conclude the proposed development would also fail to comply with national policy outlined in section 16 of the Framework.

Biodiversity

17. The proposed front extension would extend for a considerable distance into the existing front garden area of the appeal property. This area consists of a landscaped garden and lawn with shrubs and a tree. I have not been directed to any specific legal protection as being in place to prevent their removal. Albeit the proposal would result in the loss of a modestly sized area, for which the associated biodiversity of the area is likely to be limited, CS Policy DM31 nonetheless requires all development to incorporate measures to enhance conditions for biodiversity within or around the development.
18. On the basis of the evidence and plans before me, it is not clear that the proposed scheme achieves any measures to enhance conditions for biodiversity. I have considered whether an appropriately worded condition could be imposed upon the grant of any planning permission to secure enhancements, including a replacement or transplanted tree, as suggested by the appellant. However, by reason of the limited space that would remain, it is not clear whether any such enhancements would be achievable and therefore a precautionary approach is appropriate in this instance.
19. For the above reasons, the proposed development would harm biodiversity at the appeal site. Therefore, the proposal would conflict with CS Policy DM31 insofar as it requires all development to incorporate measures to enhance conditions for biodiversity within or around the development.

Other Matters

20. The proposal would include a finish to the exterior walls of the existing dwelling to improve its insulation and energy efficiency. The appellant suggests that the proposed insulation would offset the extra energy usage generated by the proposed front extension, however, there is little detailed evidence before me to substantiate this matter and therefore I attribute it only negligible weight.
21. The appellant suggests that a number of alternatives to the appeal scheme have been discounted. In addition, a number of alterations to the appeal scheme are suggested, including a reduction of length and an alternative design to include a mock-tudor finish. However, there is little detail before me concerning those alternatives and in any event, I must determine the appeal proposal before me on its individual planning merits.
22. I am mindful of the appellant's desire to improve the standard of living accommodation due to declining health. The proposed development would provide wheelchair accessible accommodation and live-in accommodation for a carer should it be required in the future. Representations have been made to the effect that the CS fails to reflect the Framework insofar as it concerns the changing needs of residents and, that the CS and CAAMP are incompatible with rights under Article 8 of the Human Rights Act 1998. However, I do not find these arguments to be well-founded because various provisions, including CS paragraph 9.41 require development to be adaptable to the changing needs of occupiers. Such a requirement would apply to all development not solely to new buildings. Reference has been made to comments within the East Anglian Daily Times concerning a local plan inquiry, however, there is little information before me to consider whether the findings in that instance are comparable and therefore applicable to the appeal proposal.
23. My attention is drawn to the need for the proposed extension to enable light to reach the existing window serving the lounge. Whilst it is necessary to provide adequate levels of light to safeguard the living conditions of the occupiers of the appeal dwelling, this does not justify a poor design.
24. I have had regard to the support of neighbouring residents to the proposed scheme, however, support for a scheme does not outweigh general planning considerations.

Conclusion

25. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR