



Appeal Decision

Site visit made on 18 December 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/R3515/W/19/3236079

113 Sidegate Lane, Ipswich, IP4 4JB

- 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 and Mrs R Wallace against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00491/FUL dated 23 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is described on the application form as "Proposed detached dwelling and cartlodge on part severed garden of 113 Sidegate Lane, Ipswich".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue is the effect of the development on living conditions, with specific regard to whether the proposed private access road would result in noise and disturbance to neighbouring occupiers at Nos 113 and 115 Sidegate Lane.

Reasons

Appeal site context

3. The appeal site contains a detached bungalow (No 113) with a driveway to its side leading to a single garage. Its rear garden is of an irregular shape and wraps around the rear of Nos 111 and 115 Sidegate Lane.

Living conditions

4. The proposed private access road ('the private access road') would be in extremely close proximity to the side elevations of Nos 113 and 115 Sidegate Lane, the latter of which has a number of windows at ground floor level. It is not clear from the drawings whether No 113 would retain side elevation windows following the proposed works to reduce it in width, but I consider it likely that it would retain front and rear elevation windows in close proximity to the private access road. To my mind, the close proximity of passing vehicles to all these openings in Nos 113 and 115, and the entire length of their respective rear gardens, would cause significant noise and disturbance to the occupants of these dwellings, particularly at warmer times of the year when windows are kept open and residents are more likely to use their outside space. The

presence of a narrow private footway between the private access road and the side elevation of No 115 would not diminish this impact to an acceptable level.

5. I recognise that the level of traffic generated by 1 dwelling on the private access road would be slight and that the overall noise level associated with this would be unlikely to exceed that generated on Sidegate Lane. However, to my mind, the noise of vehicles using the private access road would be quite different in that cars travelling at a slower speed would need to use lower gears with a potentially higher engine revolution, unlike those on Sidegate Lane which would more likely be using higher gears and making more consistent progress. Furthermore, the sound of traffic on Sidegate Lane would also be mitigated by the side elevation windows of No 115 not directly facing it, which would not be the case in terms of noise from the private access road. There would also be a much greater intervening distance between Sidegate Lane and those windows to both properties which are closest to the private access road. As a consequence, it is my view that the noise events associated with vehicle movements on the private access road would be much more intermittent, distinct, irritating, and intrusive to the occupants of No 113 and 115.
6. The appellant states that the private access road would result in a similar level of noise and disturbance to the existing driveway. However, the latter would be much less intensively used than the private access road, primarily because I consider it likely that only one vehicle would park in front of the garage on the basis that considerable space exists to park other vehicles on the existing hardstanding in the front garden (and to park behind the vehicle stationed in front of the garage would obstruct it from exiting the site). In any event, the existing driveway does not extend the full length of the garden, unlike the private access road, and hence the difference in levels of noise and disturbance would be even greater to the occupants of Nos 113 and 115 when using their rear gardens.
7. In view of the above, I conclude that the occupiers of Nos 113 and 115 Sidegate Lane would experience unacceptable living conditions in terms of noise and disturbance from vehicular comings and goings utilising the private access road. The proposal would therefore conflict with Policies DM13 and DM26 of the Core Strategy¹, which collectively seek, amongst other things, to ensure that new development protects the amenities of neighbouring residents.
8. I also find that the scheme would conflict with Paragraph 127 of the Framework² which seeks, amongst other things, to ensure that development provides a high standard of amenity for existing users.

Other matters

9. Although the Council states that there would be less than 9 metres between the rear elevation of the dwelling and the rear garden boundary, I am satisfied that the privacy of the neighbouring garden at No 69a Sidegate Lane would not be harmed as a consequence of the development only being single storey and there being the potential to impose a planning condition requiring the erection of a new 2 metre high boundary fence to prevent overlooking.

¹ Core Strategy and Policies Development Plan Document Review, Adopted 22 February 2017, Ipswich Borough Council

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

10. Given my conclusion on the main issue that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

Planning balance

11. Both parties agree that the Council is unable to demonstrate a 5-year supply of deliverable housing sites as required by the Framework. I have as a consequence considered the development against the Framework's presumption in favour of sustainable development (Paragraph 11), but concluded that the environmental and social harm to the living conditions of the occupiers of Nos 113 and 115 would significantly and demonstrably outweigh the amount of social and economic benefits that the development would contribute, namely:- (a) the provision of an additional dwelling in a sustainable location; (b) increasing the Borough's housing stock and making a contribution towards its housing land supply shortfall; and (c) local employment during construction.

Conclusion

12. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR