



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: 17 March 2021

Appeal Ref: APP/X3540/W/19/3236769

76 Bell Lane, Kesgrave, Ipswich, IP5 1JJ

- 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 Frank Turner against the decision of East Suffolk Council.
 - The application Ref DC/19/0750/FUL dated 12 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is described on the application form as "Demolition of garage and erection of two detached dwellings".
-

Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Council referred to the Core Strategy & Development Management Policies Plan¹ in its reason for refusal, this has now been superseded by the adoption of a new Local Plan². As a consequence, further consultation was carried out with both parties and I have accordingly determined the appeal on the basis of the responses received.

Main issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of neighbouring occupiers, with specific regard to privacy and whether the access road would result in noise and disturbance.

Reasons

Appeal site context

4. The appeal site contains a detached bungalow set back from the road with a separate double width garage to its side elevation and a large rear garden which is wider than many others in the street. Bell Lane is primarily characterised by mature detached bungalows fronting onto the highway, with

¹ Suffolk Coastal District Local Plan, Core Strategy & Development Management Policies, Development Plan Document, July 2013, Suffolk Coastal District Local Plan.

² Suffolk Coastal Local Plan, Covering the former Suffolk Coastal District area, Adopted 23 September 2020, East Suffolk Council.

gaps of varying widths between properties used for driveways, garages & pedestrian pathways, and long private gardens to the rear.

Character and appearance

5. The development would intrude into the largely undeveloped stretch of garden land that acts as a soft landscaped buffer between the built form fronting onto Bell Lane and the sports field behind it to the east. As a consequence, the scheme would appear out of character with the prevailing low-density settlement pattern and suburban character of the surrounding area, which is characterised by dwellings fronting onto the public highway with long rear gardens.
6. I recognise that the proposed bungalows would not be easily seen from Bell Lane, but the access road would be, and in my view this would have a harmful impact on the streetscene, which is not characterised by shared-surface private access roads punctuating the established built frontage. The introduction of soft landscaping on both sides of the driveway would not mitigate this impact.
7. In support of the appeal, my attention has been drawn by the appellant to other developments in the area, namely the single dwelling at No 2 Twelve Acre and the backland cul-de-sac at No 105 Bell Lane where 2 dwellings were allowed at appeal³. However, the former is not comparable in that it fronts onto a public highway and therefore replicates the general relationship between dwellings and roads in the area. I do nonetheless recognise that the latter scheme does share similar characteristics to the development now before me. However, in justifying that scheme, the Inspector referred to the existing area containing cul-de-sacs at right angles to primary roads which have a tighter grain of development with smaller plots sizes, and used Falmouth Close as an example. However, cul-de-sacs in the area such as Falmouth Close are characterised by 2-lane public highways with separate footways, with the road entrance typically framed by properties on spacious corner-plots, and are to my mind completely different in character to small backland schemes accessed through narrow gaps between existing dwellings via shared-surface driveways without separate public footways. As a consequence, and with the benefit of being able to see the completed development at No 105 Bell Lane, it is my view that this scheme does not relate well to the character of the area and should not as a consequence be used to justify further erosion of the area's character.
8. The appellant states that there is no development plan policy that provides an in-principle objection to this type of development. Be that as it may, this does not exempt backland proposals from the need to comply with other development plan policy requirements, and/or have regard to other material considerations such as national policy set out in the Framework⁴.
9. In view of the above, I conclude that the development would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies SCLP5.7, SCLP11.1 and SCLP11.2 of the Local Plan, which collectively seek, amongst other things, to ensure that new development fits in well with the existing neighbourhood layout and does not harm the character of the area.

³ APP/J3530/A/13/2209527 dated 11 April 2014.

⁴ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

10. I also conclude that the scheme conflicts with Paragraphs 124, 127 and 130 of the Framework which collectively seek, amongst other things; (a) high quality design; (b) development that maintains a strong sense of place using the established pattern of buildings and spaces and is sympathetic to local character; and (c) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

Living conditions

11. In view of; (a) the small number of dwellings proposed; (b) the extent of gap between the access road and side elevations of the host property (No 76) and No 74; (c) the offer by the appellant to utilise a solid smooth highway surface; and (d) the potential for a solid form of brick wall boundary treatment separating the access road from the side elevations and private garden areas of the same properties, along with No 2 Twelve Acre Approach, I am satisfied that the scheme would not result in harmful noise and disturbance to the occupiers of these properties from vehicular comings and goings.
12. Representations have been made in respect of overlooking of neighbouring properties. However, bearing in mind the separation distances between the front and rear elevations of the proposed dwellings and neighbouring gardens, their single storey height, and the potential to impose conditions for high quality, tall and robust boundary treatment to prevent overlooking, I am satisfied that no harm would arise in this regard.
13. In view of the above, I conclude that the occupiers of Nos 74, 76 and 78 Bell Lane and No 2 Twelve Acre Approach would not experience unacceptable living conditions in terms of loss of privacy or noise and disturbance from vehicular comings and goings utilising the access road. The proposal would therefore accord with Policies SCLP5.7, SCLP11.1 and SCLP11.2 of the Local Plan, which collectively seek, amongst other things, to ensure that new development protects and does not cause significant harm to the residential amenity of occupants of existing dwellings
14. I also find that the scheme would accord with Paragraph 127 of the Framework which seeks, amongst other things, to ensure that development provides a high standard of amenity for existing users.

Other matters

15. The Council has confirmed that a financial contribution is required to mitigate the impact of the scheme on the Deben Estuary Special Protection Area (SPA)/Ramsar site; the Stour and Orwell Estuaries SPA/Ramsar site; and the Sandlings SPA. Although the appellant has confirmed that they are agreeable to this and supplied a draft unilateral undertaking, this document has not been signed. However, given that I am dismissing the development for other reasons, it has not been necessary for me to carry out an appropriate assessment of the scheme and consider the requested financial contribution as it would not alter the outcome of the appeal.

Planning balance

16. For the reasons outlined above relating to character and appearance, I am satisfied that the scheme would not constitute an effective use of land while safeguarding the environment in accordance with Paragraph 117 of the

Framework, and neither do I consider that it would accord with Paragraph 122 which states that planning decisions should support development that makes an efficient use of land on the provision that the desirability of maintaining an area's prevailing character (including residential gardens) is taken into account.

17. I recognise that the scheme is in a sustainable location and would result in economic and social benefits from the provision of 2 new dwellings and local employment during construction, but consider these to be of modest value given the limited amount of development and outweighed by the harm to the character and appearance of the area.
18. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

19. Although I have concluded that there is no harm in respect of the main issue relating to the living conditions of neighbouring occupiers, I am nonetheless satisfied that the harm identified in respect of the main issue relating to character and appearance is sufficient to still justify dismissal of the appeal.
20. 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