



Appeal Decision

Site visit made on 6 April 2021

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/R3515/W/20/3262217
137 Finbars Walk, Ipswich, IP41 1HY

- 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 Ms Vanessa Woodwood against the decision of Ipswich Borough Council.
 - The application Ref. IP/20/00163/FUL, dated 19 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is the construction of a new dwelling from the partial remains of a forestry building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A different address has been used on the application and appeal forms, decision notice, and other supporting documents. The number '137' is given on the appeal form and the Council's decision notice and as it is also visible on site, I have used that address in the heading above.

Main Issues

3. The main issues are (1) the effect of the proposal on the character and appearance of the area; (2) whether the proposal would provide acceptable living conditions for future occupants, with regard to (i) private amenity space and (ii) noise; (3) the effect on trees the subject of Tree Preservation Orders; and (4) the effect on biodiversity, and whether mitigation is required and included to address potential impacts on European designated sites.

Reasons

Character and Appearance

4. The appeal site comprises a clearing next to an area of woodland, in a residential area. The proposed dwelling would be sited on the footprint of a partially built forestry building, the original purpose of which was to store equipment for the management of the woodland. I share the Council's view that the woodland and the appeal site form a valuable visual and ecological resource in an otherwise built-up area. Both are included in the Parklands Sub Area in the Ipswich Urban Characterisation Study, which advises that existing

- undeveloped space, both private and public, should be conserved for its visual and biodiversity value, including gardens, allotments, meadows and woodland.
5. The Council's appeal statement advises that the site is not allocated for development, but is within the buffer zone of a 'wildlife corridor' around the railway line to the east. Visually the clearing and half-built forestry building appear more closely associated with the woodland than the surrounding housing and domestic gardens. From outside of the site, the perception is of mature trees and vegetation, and except in views from neighbouring gardens there is little appreciation of the forestry building remnants; I do not find that it causes the visual harm suggested by the appellant.
 6. The proposed dwelling would be mostly single storey, but a steeply pitched section would provide first-floor accommodation. The appellant considers that the proposed design and appearance would be more sympathetic and in keeping with the woodland surroundings, and cause less impact than the forestry building. However, much of the approved building had open bays and was single-storey, and as a functional building without domestic paraphernalia I consider it would have had less visual impact on the setting.
 7. The siting of the proposal would not reflect the pattern of buildings in Finbars Walk or the more uniform and close-knit frontage housing of Woodville Road. Its siting would consolidate 'ad hoc' development with neighbouring 179a Woodville Road, and would detract from the semi-rural qualities of the appeal site. The design and form of the dwelling, its associated parking and garden, and the inevitable clearing of undergrowth to facilitate the proposal would introduce development far more suburban and intrusive than the low-key forestry building remains that it would replace. In so doing it would detract from the character and appearance of the site as part of a wildlife buffer zone.
 8. I therefore conclude that the proposal would detract from the character and appearance of the site and its surroundings in conflict with Policy DM5(e) of the Ipswich Borough Council Core Strategy and Policies Development Plan Document Review, 2017 (CS), which seeks well designed and sustainable development which protects and enhances the special character and distinctiveness of Ipswich, including significant views that are recognised as being important and worth protecting, and which help to reinforce the attractive physical characteristics of local neighbourhoods; and with CS Policy DM13(c), which aims to protect the setting of existing buildings and the character and appearance of the area in all backland development.

Living Conditions - Provision of Amenity Space

9. CS Policy DM3 seeks to ensure that all residential development delivers high quality living environments, with private gardens designed to take advantage of sunlight and daylight and to provide functional space. In this case, the policy would require a minimum private garden area of 75 sqm.
10. The dwelling layout includes a courtyard garden of approximately 30sqm. It would be oriented north-west towards woodland, and the canopy of Preserved Trees would overhang close to the courtyard. Although the appellant indicates that over 125sqm. of garden would be provided within the red-edged application site, part appears to be annotated on the plans for car parking, and much would be under tree canopy. On the basis of the information provided I am not convinced that this would reasonably meet the functional and

recreational needs of future residents of the dwelling. Notwithstanding the amenity value of the adjacent woodland in the appellant's ownership, this would not compensate for the limited 'useable' space provided.

11. I therefore conclude that the proposal would not provide adequate amenity space to meet the needs of future residents, thereby creating unacceptable living conditions, in conflict with CS Policy DM3, and the aims of the National Planning Policy Framework (the Framework) to create places with a high standard of amenity for existing and future users.

Living Conditions - Noise

12. There is a dwelling to the east of the site which the Council advises is used for child-minding services, and beyond is a railway line. Childcare facilities are routinely sited in residential areas, and adjacent to dwellings and gardens, and I am not convinced that the noise arising from use of the neighbouring premises for childcare would be so significant as to result in material harm to the living conditions of future occupants of the dwelling.
13. There are many dwellings closer to the railway line than proposed in this case. On the basis of the information provided I do not consider that noise levels generated by the use of the rail line could not be mitigated by appropriate insulation measures secured by a planning condition. I note that the Council's Environmental Health Officer raised no concerns about noise nuisance.
14. On this point I therefore conclude that the living conditions of occupants of the proposed dwelling would not be harmed by potential sources of noise in the vicinity to a degree that would warrant dismissal of the appeal. As such, I find no conflict with CS Policies DM13(a), which requires backland development to be sited where it would not be disturbed by other land uses, and DM26, which seeks to resist development that would be significantly adversely affected by potentially noisy uses nearby.

Effect on Protected Trees

15. The appeal site is subject of a Tree Preservation Order, and another covers the adjacent woodland. The Arboricultural Report which accompanied the application assesses most of the trees on the site as being of lower quality, semi-mature and largely self-sown. Although not specified in the report, it states that some crown lifting of low branches may be required depending on the nature of vehicles and plant required on site.
16. Although it may be physically possible to construct the development without causing harm to protected trees, the long-term use of the site has the potential to create pressure for the removal of, or significant works to, trees in close proximity to the proposed dwelling. This is on the basis of the orientation, and the effect that tree canopies would have on amenity space and use of the building. The woodland may create an attractive outlook, but could be perceived as overbearing in such close proximity. I do not consider that a planning condition to secure planting elsewhere would mitigate this harm.
17. I therefore conclude that the proposal has the potential to undermine the long-term retention of protected trees on and immediately adjoining the site, contrary to CS Policy DM10, which seeks to protect and ensure the care of trees and to increase canopy cover in the interests of amenity and biodiversity.

Biodiversity and Mitigation

18. The appeal site is next to woodland that has been identified by the Council as having medium conservation value, and is within a buffer zone of the railway corridor. CS Policy DM31 expects all proposals to incorporate measures to enhance conditions for biodiversity within and around the development, but within buffer zones such as this, enhancement of the ecological network through measures such as wildlife beneficial landscaping is sought.
19. A Preliminary Ecological Appraisal found the site to have low-moderate ecological value, but with further surveys required for reptiles to determine an appropriate mitigation strategy. Proposed enhancements were included. Whilst I am mindful of the numerous representations from local residents on this matter, given the advice of Suffolk Wildlife Trust I am satisfied that the development could take place without detriment to ecology and biodiversity, subject to the said mitigation being secured by a planning condition.
20. However, the proposal would fall within a Zone of Influence of the Stour and Orwell Estuaries Special Protection Area and Ramsar site, as identified in the Suffolk Recreation Avoidance Mitigation Strategy. I consider that a requirement for a financial contribution in mitigation of the potential effects arising from increased recreational pressure on the above sites would meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
21. A Unilateral Undertaking to pay the contribution has been provided but it is incomplete, undated, unsigned, and unwitnessed. I am therefore unable to take it into account, and conclude that the proposal would conflict with CS Policy DM31 in its failure to address mitigation in respect of increased recreational pressure arising from residential development.

Planning Balance & Conclusion

22. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing sites and as such paragraph 11d) of the Framework is engaged. The proposal would provide one additional property to contribute towards housing supply in a sustainable location, and as a small site may be built out relatively quickly. However, I have found that development of this semi-rural site would detract from the character and appearance of the area; it would not provide suitable living conditions for future occupants as a result of its limited amenity space; it would result in potential long-term pressure for removal of, or works to, trees the subject of Tree Preservation Orders; it would place additional recreational pressure on the Stour and Orwell Estuaries Special Protection Area and Ramsar site without mitigation. Cumulatively, these adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR