



Appeal Decision

Site Visit made on 10 August 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2021

Appeal Ref: APP/X3540/W/20/3264840

123 Bucklesham Road, Ipswich, Suffolk IP3 8UA

- 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 Mark Wills against the decision of East Suffolk Council.
 - The application Ref DC/20/2805/FUL, dated 23 July 2020, was refused by notice dated 2 October 2020.
 - The development proposed is described as the "erection of 2 detached dwellings with garages following demolition of existing bungalow".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 detached dwellings with garages following demolition of existing bungalow at 123 Bucklesham Road, Ipswich, Suffolk IP3 8UA in accordance with the terms of the application, Ref DC/20/2805/FUL, dated 23 July 2020, subject to the conditions on the attached schedule.

Preliminary Matters

2. Since the submission of the appellant's appeal the Revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and I have taken subsequent responses into account in reaching my decision.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the area and on European Designated sites.

Reasons

Character and Appearance

4. The appeal site contains a detached bungalow which is set back within its grounds, with parking and turning areas to the front and a private garden area to the rear. The layout of the site follows the mainly linear pattern of development along Bucklesham Road, which is primarily residential in character.
5. The proposal seeks to demolish the existing bungalow and erect two detached dwellings, both to be provided with detached garaging to the front of the properties and private garden areas to the rear. Bucklesham Road is quite lengthy, with most properties comprising detached dwellings that are set back

from the road. Some of these properties benefit from garaging within the front garden area, with others developed in close proximity to one another.

6. The proposed dwellings would be detached, thereby following the form of the vast majority of properties along Bucklesham Road. Adequate spacing to the side boundaries and between the properties would be provided so that the dwellings need not appear cramped within its individual plot or the site as a whole. Given the length of the driveway areas, I am satisfied that the positioning of the proposed garaging to the front of the properties would not be particularly noticeable within the street scene, nor would they erode or harm the existing form of development that exists in the vicinity of the appeal site.
7. Consequently, although I accept that the area has a strong residential character, this is created through a range of style and size of property that, in some instances, are developed close to one another. This gives the area a diverse and pleasant suburban character and one that the appeal proposal would follow. Overall, I am not persuaded that the development would harm the suburban character or established pattern of development in the locality.
8. Thus, the development would not harm the character and appearance of the area. It would not be in conflict with Policy SCLP11.1 and SCLP5.7 of the East Suffolk Council Suffolk Coastal Local Plan 2020 (the SCLP) which seek, amongst other things, to ensure that developments clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means.

European Designated Sites

9. The coast, heaths and estuaries of Suffolk are internationally recognised wildlife assets. They include areas designated as Special Areas of Conservation, Special Protection Areas and Ramsar Sites. Each habitat site has a zone of influence of 13km as identified by the East Suffolk Council Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2021 (the SPD).
10. The Conservation of Habitat and Species Regulations 2017 require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the designated sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
11. Since the proposal is for one additional dwelling, the number of recreational visitors would be limited and the likely effects on the designated sites from the development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Given my findings, the Regulations place a duty on me as the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
12. The site is within the 13km zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect

on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.

13. The SPD sets out a strategic approach to mitigation by several Councils across the wider area, detailing those that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the designated sites.
14. The appellant has provided evidence to demonstrate that they have made a per dwelling contribution to fund the Suffolk Recreational Avoidance Mitigation Strategy to the Council. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
15. As such, the contributions would count as mitigation toward maintaining the integrity of the sites. Thus, the development would not be in conflict with Policy SCLP10.1 of the SCLP or Section 15 of the Framework which seek to conserve and enhance the natural environment.

Conditions

16. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. In the interest of precision and clarity, in some instances I have amended the conditions.
17. Along with the standard time condition (1), the approved plans (2) should also be specified to provide certainty. In the interest of the visual amenity of the area, samples of the materials (3) to be used in the external construction of the dwellings hereby approved shall be agreed with the Council. Additionally, those trees that are identified to remain (4) post development shall not be damaged or destroyed and shall be protected during construction (5).
18. In the interest of highway safety, the access (6) shall be laid out and retained in accordance with the approved plans. Visibility splays (7), parking and turning areas (8) shall also be provided along with a bin presentation point (9).

Conclusion

19. Thus, having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in all respects strictly in accordance with drawings:
4024-01 (Site Location Plan)
4024-04D (Proposed Site Plan)
4024-05 (proposed Plans and Elevations Handed for Plot 2)
4024-06A (Proposed Cart Lodge Plans and Elevations)
4024-07A (Proposed Street Elevations)
3. No development shall commence until details of the roof and wall materials to be used for the new dwellings and associated garages, have been submitted to and approved by the local planning authority. The development shall be carried out and retained in accordance with the approved details.
4. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.
5. No development shall commence or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plan, have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.
6. The access shall be completed in all respects in accordance with Drawing No. DM01 with an entrance width of 4.5m and be available for use before either of the hereby approved dwellings are occupied. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved by the Local Planning Authority.
7. Before the access is first used visibility splays shall be provided as shown on Drawing No. 4024-04D with an X dimension of 2.4m and a Y dimension of 43m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

8. The dwellings shall not be occupied until the area(s) within the site shown on Drawing No. 4024-04D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
9. Before the development is occupied details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

End.