



Appeal Decision

Site Visit made on 1 September 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/X3540/W/20/3264699

40 King Street, Felixstowe IP11 9DX

- 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 Julian Bobbin of James Francis Homes Ltd against the decision of East Suffolk Council.
 - The application Ref DC/20/1790/FUL, dated 15 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was refused on the basis that the development would result in an adverse effect on the integrity of the Stour and Orwell Estuaries SPA/Ramsar and the Deben Estuary SPA/Ramsar. I will return to this matter later in this decision.
3. During the consideration of this appeal the revised National Planning Policy Framework July 2021 (the Framework) has been published. Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and the quality of the living conditions for future occupiers.

Reasons

Character and Appearance

5. King Street is characterised by two storey terraced dwellings in a regular layout and plot size. Dwellings front King Street with generous gardens to the rear which provide a sense of spaciousness and setting for the dwellings. These gardens back onto Crown Street which, in this area, is characterised by modest garden fences and boundary treatment and domestic outbuildings to one side, with mainly low level garages and open parking areas on the other. This results in a subordinate character and contributes to the sense of openness.

6. There are some single storey dwellings to Crown Street (including to the rear of no. 80 and 82¹ which is similar to that proposed), however these are at the far end of the street and do not form the immediate context of the appeal site. Furthermore, the setting of the rear of no 80 and 82 includes a site bounded by residential curtilage on three sides and in close proximity to existing single storey bungalows. Therefore, this context is notably different to that before me now.
7. The proposed development would subdivide the plot of 40 King Street to introduce a detached dwelling on a small plot fronting Crown Street. Although single storey, the scale of the proposed building would nevertheless be significant in this setting and would result in a pattern of development which is uncharacteristic of this part of the street. Its scale, clearly domestic appearance and independent residential use would be harmfully dominant in this context, including in relation to the existing subservient outbuildings. The proposed development would harmfully erode the spaciousness and modest secondary character of this part of the road.
8. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. In this respect it would be contrary to Policies SP1, SP15, DM7 and DM21 of the Suffolk Coastal District Local Plan - Core Strategy & Development Management Policies Development Plan Document June 2013 (the Local Plan) in terms of their requirements to seek high quality design, conserve and enhance the built environment, protect gaps and gardens that make an important contribution to the setting and the character and appearance and their requirements for the subdivision of plots to form additional dwellings.

Living Conditions

9. The pattern of development in this area includes gardens overlooked by first floor windows of neighbouring properties. Therefore, although the proposed garden area would be overlooked by first floor windows to the King Street houses this would not be unduly harmful for future occupiers over and above the current situation in the vicinity. Consequently, I am satisfied that the proposed garden areas would provide appropriate garden space.
10. There would be a relatively open outlook from the bedroom window of the proposed dwelling with a small front garden providing separation from the street. Although the view towards garages and car parking is not necessarily desirable this is nevertheless would not create an unacceptable outlook. Nor am I provided with detailed evidence which persuades me that the proposed single storey development would be overbearing to existing occupiers.
11. Consequently, the proposed development would not be contrary to Policy DM23 of the Local Plan which requires that development should not cause an unacceptable loss of amenity to adjoining or future occupiers.
12. Policy DM7 of the Local Plan relates more closely to the character and appearance of the subdivision of plots to form additional dwellings. As such, the policy set out above is more relevant to this main issue.

¹ DC/16/1617/FUL

Planning Balance

13. The proposed development would provide the social and economic benefits of a new house close to local shops, services and public transport and it is put to me that the dwelling would be low cost due to its size. However, given the scale of the development such benefits are limited in their scope. It would also create jobs during construction albeit that these would be temporary. On the other hand, the proposed development would result in the significant environmental harms identified above. The balance to be applied is not a tilted one and in this case the limited public benefits would not outweigh the significant public and permanent harm to the character and appearance of the area. As such the proposed development does not represent sustainable development, including in terms of Policy SP1A of the Local Plan.

Other Matters

14. The SPAs are habitats sites that have a high level of protection. The Council has a strategy that seeks to mitigate the impacts on the SPA arising from recreational disturbance, which increases with new housing. I understand that a financial contribution towards the Suffolk Coastal Recreation and Avoidance Mitigation Strategy has been paid. However, there is no need to consider the implications of the proposal on the protected site in this case because the scheme is unacceptable for other reasons.

Conclusion

15. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR