



Appeal Decision

Site Visit made on 7 September 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/R3515/D/20/3254392

32 Broughton Road, IPSWICH, IP1 3QR

- 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 S Ball against the decision of Ipswich Borough Council.
- The application Ref IP/19/00975, dated 23 October 2019, was refused by notice dated 31 March 2020.
- The development proposed is proposed side and rear extension and internal alterations.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character and appearance of the Park Conservation Area, including its effect on trees;
 - the effect of the development on highway safety; and
 - the effect of the proposed development on the living conditions of the occupiers of 17 Warrington Road, in respect of overlooking.

Reasons

Character and appearance

3. The Park Conservation Area (CA) was developed on high ground as a wealthy suburb and the area retains a strong framework of tree lined roads and large villas set within generous mature gardens often partly hidden behind elaborately detailed boundary walls. The focus of the area is Christchurch Park, whose tree line terminates many of the views from the conservation area.
4. Broughton Road rises gently from south to north and comprises mainly late Victorian detached and semi-detached houses on the west side, while the east side has seen infill development (including the appeal site) at various times.
5. The CA is notable for large Victorian and Edwardian villas and inter-war detached houses. Many have fine architectural features such as porches, turrets, authentic contemporary conservatories and original timber joinery and in my view the significance of the CA is largely drawn from the collective group of high quality historic buildings.

6. The appeal site comprises a detached red brick two storey dwelling which is later in date than the majority of development within this part of the CA. It was constructed within the former rear gardens of 17 and 19 Warrington Road, and vehicular access to properties within Warrington Road remain on either side of the site. The Park Conservation Area Appraisal (CAA) makes reference to the modern infill dwellings adjacent to the appeal site as failing to capture the spirit of the prevailing architectural character.
7. The proposed two storey extension would be located to the side of the dwelling, set back from the front wall of the host dwelling, with a lower roofline. In these ways the proposal would be subservient to the host property. However, the proposed single storey front extension would project beyond the front elevation and introduce a gabled addition which leads to a cluttered appearance, which is not in keeping with the original design of the dwelling. Overall, I find that the proposed single storey front extension would not result in a sympathetic and proportionate addition and would detract from the overall character and appearance of the host dwelling.
8. The introduction of the front extension as proposed would alter the character of the existing dwelling and result in an unbalanced appearance to the frontage. It would be an incongruous addition, which would fail to preserve or enhance the CA. Given its significance is derived from the collective group of high quality historic buildings and the appeal site has been designed to echo some of the architectural detailing which is found within those buildings, I consider that the single storey front extension would result in limited harm to the significance of the CA.
9. In addition, the development would result in the loss of part of the front boundary wall and garden to provide an additional vehicular access. Elaborately detailed boundary walls are noted as a feature of the CA. The boundary treatment to the frontage of the site is a simple red brick wall which is markedly different from other more elaborate examples which exist elsewhere within the CA, however it does run parallel to the highway and provides a continuity to the built environment and adds positively to the overall character and appearance of the area. Therefore, a reduction to the extent of the boundary treatment and the introduction of further areas of hardstanding, in lieu of the front garden would erode, rather than preserve and enhance the CA, resulting in modest harm to its significance.
10. The submitted tree report has identified that trees located outside of the appeal site have the potential to impact the developments foundations and that there is a risk to the trees roots from severance. The report does identify mitigation measures that could be put in place to minimise the risks from the development, including hand excavation and root pruning within the root protection area and the need for arboricultural supervision during the construction phase to monitor tree health and a tree protection condition. The evidence before me indicates that if these mitigation measures were properly adhered to during the construction of the dwelling then the risk to the trees would be minimal.

11. Whilst the Council have suggested that the positioning of the extension close to the trees would place additional pressure on those trees to be harmfully pruned or removed in the future, given the trees are protected by virtue of their location within the CA, the Council would have control over any future works proposed to the trees.
12. Therefore, I conclude that the risk from the development to the long term health and viability of the trees is adequately mitigated and the development would therefore accord with Policy DM10 of the Ipswich Borough Council Local Plan, Core Strategy and Policies Development Plan Document Review (LP) which seeks to protect and ensure the care of trees and ensure that details of protective measures are put in place during the development process.
13. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the Conservation Area to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this case, the proposed development would lead to some benefits during the construction phase, which would support the local economy. However, these benefits would be modest and therefore, there is no public benefit sufficient to outweigh the harm.
15. I conclude that the development proposed would fail to preserve or enhance the character or appearance of the Park Conservation Area and fail to accord with Policies DM5, DM8 and DM12 of the LP, which together seek to ensure development is well designed, in keeping with the immediate street scene and protects and enhances the special character and distinctiveness of Ipswich and its Conservation Areas.

Highway Safety

16. As part of the appeal the appellant has indicated they would consider stopping up the existing access. I have not considered this as part of this appeal as I consider that this change would materially alter the nature of the application and would prejudice the interests of interested parties.¹
17. The proposed garage is located approximately 5.5m from the highway, which is insufficient distance to prevent vehicles obstructing the footway when entering the site. Given the restricted depth of the area in front of the garage there would be a high probability that anything other than the smallest of vehicles would be likely to overhang the pavement, when entering the site to access the garage.
18. The obstacle that a stationary vehicle would provide may result in pedestrians having to step into the carriageway, particularly if they were pushing a pram or wheelchair, which could result in conflict with vehicles using the road. The

¹ Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

proposal would therefore be likely to be harmful to highway safety, including the safety of pedestrians.

19. Whilst it has been put to me that the area is only lightly trafficked, with low traffic speeds, there is insufficient evidence before me to demonstrate that this is the case. However, even if I were to accept this was the case it would not overcome my concerns that even a momentary conflict between vehicles and pedestrians would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal.
20. It has been put to me that the garage doors could be remotely controlled to limit the time that vehicles were waiting on the highway, or by the installation of the roller shutters, which it is alleged, could be secured by a suitably worded condition. However, no details of either of these suggestions have been provided. Moreover, a scheme that includes the provision of roller shutter doors would, to my mind, fundamentally alter the nature of the scheme and so would necessitate a separate planning application.
21. I conclude that the proposal would result in harm to highway safety, in conflict with Policies DM5 and DM18 of the LP. These require parking to be fully integrated in the design of the scheme and to ensure a safe and attractive environment. The proposal would also conflict with guidance in the National Planning Policy Framework which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Living Conditions

22. The proposed two storey rear extension would extend beyond the rear elevation of the existing dwelling and would include two first floor windows serving bedrooms. These windows would face towards the rear garden of 17 Warrington Road.
23. I consider that having regard to the separation distance between 32 Broughton Road and 17 Warrington Road, and the current level of mutual overlooking of the rear amenity areas from the existing first floor windows, the development would not cause an unacceptable loss of privacy in comparison to the existing situation, despite the increased depth of the extension.
24. I conclude that the proposal would not harm the living conditions of the adjoining residents of 17 Warrington Road, with regard to privacy in accordance with policy DM12 of the LP which requires extensions to dwellings to not detract from the amenity of neighbouring residents.

Conclusion

1. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR