

Appeal Decision

Site visit made on 16 March 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 25TH April 2022

Appeal Reference: APP/X3540/W/21/3279822

Land adjacent to 29 Birchwood Drive, Rushmere St. Andrew, Ipswich IP5 1EB

- 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 and Mrs Clarke against the decision of East Suffolk Council.
 - The application (reference DC/21/2099/FUL, dated 21 April 2021) was refused by notice dated 1 July 2021.
 - The development proposed is described in the application form as a new single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new single storey dwelling on land adjacent to 29 Birchwood Drive, Rushmere St. Andrew, Ipswich IP5 1EB, in accordance with the terms of the application (reference DC/21/2099/FUL, dated 21 April 2021), subject to the conditions set out in the attached Schedule of Conditions.

Main issues

2. There are two main issues in this appeal. The first is the effect of the proposed development on the character and appearance of the surroundings, while the second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused to their outlook).

Reasons

3. Rushmere St. Andrew lies at the north-eastern edge of Ipswich, although it is separated from the town itself. The village is a relatively compact settlement, largely residential in character and mainly surrounded by fields, in a rural landscape.
4. Birchwood Drive is a winding residential road with a suburban character, serving a mix of two-storey and single-storey homes. The layout has a rather spacious feeling and the properties generally have the benefit of good sized gardens. This area defines the northern limit of the village and those properties at the northern edge of the residential area have agricultural land to the north, beyond their garden boundaries.

5. Number 29 Birchwood Drive is a substantial and relatively modern bungalow, with its main (east) elevation facing the road and its retained back garden to the west of the dwelling. It lies at the end of Birchwood Drive, on an asymmetrical turning head, where the bungalow opposite, number 50, faces down the road.
6. Between number 29 and number 50, a corner plot has been created, by separation from the garden of number 29. This plot also has a vehicular access to the road, alongside that of number 50, and is bounded on three sides by other residential properties. Its northern boundary adjoins a broad, open arable field.
7. The new plot is bounded by new close boarded fences and is rather bare. There is a large beech tree close to the northern boundary of the site, which has been heavily "lopped".
8. It is now proposed to construct a single storey dwelling on the appeal site.
9. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. New development ought to be sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. The 'Framework' is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
10. These aims also underpin local policies in the Development Plan for the area. The 'Suffolk Coastal Local Plan' (which was adopted in September 2020) is intended to focus development on existing settlements, including Rushmere St. Andrew, but it also identifies relevant development considerations. Policy SCLP11.1 deals with "Design Quality" while Policy SCLP11.2 is intended to protect "Residential Amenity".
11. The proposed new bungalow would occupy a plot that is similar in size to others in the locality. The site is large enough to accommodate the proposed bungalow and to provide a reasonable amount of garden space for occupiers, even though it is dominated by the large beech tree that has recently been reduced in size. The existing beech tree and the proposed new oak trees (as shown on the landscaping proposals) can be expected to become very large, eventually, but it would be reasonable to assume that their size can be managed in the future, bearing in mind their location in a residential area. The new bungalow itself has been designed to harmonise with the appearance of other nearby dwellings.
12. Hence, the proposed development, in conjunction with the proposed landscaping, would be in keeping with the character and appearance of the surroundings. Even though a new home would be created in the cul-de-sac, the scheme would not amount to overdevelopment, in principle, and would not place undue pressure on the highway, for example.
13. The north elevation of number 29 Birchwood Drive and the west elevation of number 50 Birchwood Drive would face the new property and the boundary fence is set close to north-facing windows at number 29. The new

development would have some impact on the neighbours' outlook, therefore. Nevertheless, the proposed scheme has been designed to minimise this impact, by setting the new building back from its southern boundary and by incorporating a lower, flat roofed element. In consequence, the new bungalow would not unduly harm the residential amenities of neighbours by imposing on their outlook.

14. Evidently, the appeal site lies within an established settlement, which is "sustainable" in planning terms, and the new dwelling would make a small but useful contribution to the provision of housing in the area. I have concluded that the project would not be in conflict with the national legislation or the Development Plan, in principle, and that it is acceptable in planning terms. In short, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
15. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of those that have been suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modification made in the in the interests of clarity and simplicity where appropriate. In particular, I have concluded that conditions are necessary to define the planning permission and to ensure that quality is maintained.
16. Specific conditions are needed to ensure that certain details of the access are satisfactorily completed and retained, although I am not persuaded that further details of bin storage, cycle storage and electric vehicle infrastructure are necessary, bearing in mind the size and nature of the site. Nor is a specific condition requiring full drainage details for the drive necessary in the circumstances.
17. Moreover, I am not persuaded that additional conditions are necessary, in this case, to impose specific controls in respect of possible contamination in the ground, in view of the history of the site.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 507-05E (Block Plan);
 - drawing number 507-06C (Floor Plan, Street Elevation & Site Location Plan);
 - drawing number 507-07B (Elevations & Section as Proposed).
3. Prior to the first occupation of the dwelling that is hereby permitted, the area that is shown on the approved drawings as a "parking/turning" area shall be constructed and laid out, with appropriate provision for surface water drainage, and brought into use as such. It shall be retained and used for no other purpose thereafter.
4. Prior to the first occupation of the dwelling that is hereby permitted, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
5. A screw pile and above ground steel frame construction method shall be used as part of the construction, where all construction activity is excluded from around the beech tree and this area is protected by suitable site fencing. This fencing should be erected at a distance equivalent to approximately 10 times the stem diameter, measured at 1.5m. above ground level.