



Appeal Decision

Site visit made on 17 May 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/X3540/W/22/3290798

Deben Cottage, High Road, Swilland, Ipswich IP6 9LR

- 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 & Mrs T Golding against the decision of East Suffolk Council.
 - The application Ref DC/21/4383/FUL, dated 20 September 2021, was refused by notice dated 13 December 2021.
 - The development proposed is demolition of existing garage, severance of part of side garden, creation of new double access and crossover, and erection of new single storey private dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage, severance of part of side garden, creation of new double access and crossover, and erection of new single storey private dwelling at Deben Cottage, High Road, Swilland, Ipswich IP6 9LR in accordance with the terms of the application, Ref DC/21/4383/FUL, dated 20 September 2021, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the surrounding area; and
 - the integrity of the Deben Estuary Special Protection Area (SPA) and RAMSAR site and the Stour and Orwell Estuaries SPA/RAMSAR sites.

Reasons

Character and appearance

3. The appeal site is located between Deben Cottage and a more recent housing development at Halfmoon Cottages. The land currently comprises a detached garage, parking space and grassed area, in part bordered by a hedgerow. It lies in Swilland which is a dispersed settlement with clusters of primarily linear housing. Gaps between buildings, which allow views of the wider agricultural land contribute to the rural qualities of the village, along with other features, including hedgerows and farm buildings.
4. There is variation along this part of the road, with buildings consisting of small detached bungalows, simple two-storey cottages, larger detached and semi-detached dwellings. Materials comprise of both brick and render and there is variety in the fenestration. Some properties are set forward close to the road, others are set back. The houses at Halfmoon Cottages are accessed from a single shared entrance point. This contrasts with the prevailing pattern of

individual plot frontages on to the road. This layout and the design of the houses results in a somewhat suburban appearance to the houses at Halfmoon Cottages.

5. Set within this context, the proposed single-storey detached dwelling, rendered with some brick and cladding elements positioned within its own plot fronting the road, would be in keeping with the pattern and material finish of housing.
6. Pitched roofs with gables are the predominant roof form in the vicinity. However, there is no established pattern with variation to the direction of ridges, pitches and with some roofs incorporating dormers. Moreover, there are also examples of flat roof features within the vicinity.
7. The proposal would have a flat roof form which would be broken up with small variations in height. Although its flat roof would not reflect the predominant pitched roofs nearby, its positioning set back from the road behind native hedgerow planting and its distinctly low height would be such that it would not be a dominant feature from the public realm.
8. Set between the taller modern housing at Halfmoon Cottages and the two storey cottages positioned close to the road, the proposal's low height would provide a visual relief allowing some views to the sky in between buildings. This would maintain a perception of openness in the gap between buildings, preserving the rural qualities of the area. As such, whilst the flat roof form would be a departure from the predominantly pitched roofs in the locality, I do not consider this to be harmful.
9. Its low height would ensure that the large footprint does not appear unduly dominant. Moreover, the massing would be broken by the staggered roofs, changes in material finish and the forward projecting garage. The garage would be positioned forward of the main front façade of the dwelling. However, it would not obscure the entrance doors and windows on the front and would therefore still present an active frontage to the public realm.
10. The side garage wall, facing the road would not be well articulated. However, it would be softened by the hedgerow planting to the front. Moreover, as the garage height would be stepped down from the main dwelling, it would appear as a subservient feature in the overall composition of the front façade and would not be read in isolation.
11. There are other garages to the side of properties nearby which are closer to the road than the proposed garage would be and that are taller. Moreover, I also saw several houses along Church Lane in the next cluster of houses in the village that had garages between the dwellings and the lane. These form part of the wider character of Swilland and do not detract from the street scene in Church Lane.
12. Overall, I do not find that the introduction of a more contemporary style of dwelling of the form proposed would be overly prominent or incongruous in this location. Indeed, it would suitably add to the existing variety of properties within the area.
13. I therefore find no harm to the character and appearance of the surrounding area. As such, I find no conflict with the requirements of Policies SCLP5.7 and SCLP11.1 of the Council's Suffolk Coastal Local Plan (2020) (LP) or paragraph 130 and 134 of the National Planning Policy Framework (2021) (the

Framework). These stipulate, amongst other things, that the Council will support locally distinctive and high-quality design that 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

14. The appeal site falls within the recreational disturbance zone of influence for Habitats Sites (European designated sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). These include the Deben Estuary and the Stour and Orwell Estuaries which are SPA/RAMSAR sites. At the Deben Estuary the interest features include, amongst other things, the presence of Dark-Bellied Brent Goose, Avocet and the mollusc *Vertigo angustior*. At the Stour and Orwell Estuaries, they include, amongst other things, Redshank, Dark-bellied Brent Goose, Pintail, Grey Plover, Knot, Dunlin and Black-tailed Godwit.
15. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require the competent authority to 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 European designated sites. The effects arising from the proposal need to be considered in combination with other development in the area and by adopting a precautionary approach.
16. The proposal is for one dwelling, and as such the amount of additional recreational visitors would be limited and the likely effects on the European designated sites from the proposed development alone may not be significant. However, in combination with other developments the proposal would likely have significant effects on the European designated sites. In this regard, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
17. Falling within the zone of influence the proposed development is likely to result in recreational pressure at the identified European designated sites, both alone and in combination with other development within the zone of influence. As such, the development would have an adverse effect on the integrity of the sites, but regard can be had to whether these adverse effects can be mitigated.
18. The RAMS document establishes a strategic approach to mitigation by several councils across the wider area and details the mitigation measures that would be funded by financial contributions based on a specified tariff per dwelling. These include a range of habitat-based measures such as education, communication, and monitoring, which have been endorsed by Natural England. As such, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the identified European designated sites.
19. I have been provided with evidence that the appellants have made a financial contribution payment in accordance with the tariff to fund the RAMS. As such, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
20. The financial contribution is necessary to make the development acceptable in planning terms; directly related to it; and fairly and reasonably related in scale

and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations.

21. To conclude, the financial contribution would count as mitigation toward maintaining the integrity of the Deben Estuary and the Stour and Orwell Estuaries as SPA/RAMSAR sites. I therefore find no conflict with the requirements of Policy SCLP10.1 of the LP which stipulates, amongst other things, that any proposal that adversely affects a European site, or causes significant harm to a Site of Special Scientific Interest, will not normally be granted permission.

Conditions

22. I have adapted the Council's suggested conditions where necessary, in the interests of precision, and brevity. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty.
23. Conditions relating to parking, access and surface water drainage are necessary in the interests of highway safety along the road and, in relation to drainage, to ensure that the site is properly drained and serviced. A condition relating to the hedgerow and planting are appropriate in the interests of the character and appearance of the development. A condition relating to contamination is necessary in the interests of safety and proper site management.
24. Where necessary, consent has been obtained from the appellants for the use of a pre-commencement condition. This is because the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details and in the case of condition 4, in the interests of highway safety as the existing access has poor visibility.

Conclusion

25. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1736-20C, 1736-30C; Arboricultural Impact Assessment P1800 AIA01-V1; and Arboricultural Method Statement received by the Council on 20/09/2021.
- 3) Prior to the commencement of development, a methodology statement describing the removal and the replanting of the road frontage hedge and any other planting measures, shall be submitted to and approved by the Local Planning Authority. All works shall be undertaken in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until details of the vehicular access arrangements for the construction period for the development has been submitted to, and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction period for the development.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 6) The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with the approved plans. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway. The access and visibility splays shall be retained thereafter. No obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 7) The vehicular access onto the property 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.
- 8) The use shall not commence until the area within the site shown on drawing no. 1736-20C for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter the area shall be retained, maintained and used for no other purposes.
- 9) No construction works above ground level shall take place until full details of the means of disposal of surface water for the site have been submitted to and approved in writing by the Local Planning Authority. Details shall include measures to prevent discharge onto the highway. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity. No surface water shall enter the foul system by any means.