



Appeal Decision

Site visit made on 10 January 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/R3515/W/22/3296845

18 Henniker Road, Ipswich IP1 5HE

- 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 Andrew Cann of Planning Direct against the decision of Ipswich Borough Council.
 - The application Ref IP/21/01011/FUL, dated 20 September 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as “erection of 1no dwelling, a new vehicle access, dropped kerb and parking, and a 1.8m featherboard fence”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It has been brought to my attention that Ipswich Borough Council Local Plan, Core Strategy and Policies Development Plan Document Review (LP) was adopted on 23 March 2022. The LP replaces Ipswich Borough Council Core Strategy & Policies Development Plan Document Review and the Council have advised that Policies DM8, DM12, DM17 and DM23 have superseded Policies DM5, DM13, DM30 and DM31 referred to in the reasons for refusal. It is mandatory for me to take account of the most relevant and up-to-date information in reaching a decision and I have therefore dealt with the appeal on this basis. The main parties have been given an opportunity to comment on the relevant policies contained in the LP and have therefore not been prejudiced.
3. Following the adoption of the LP, the Council has advised that they are able to demonstrate a five year housing land supply. The Council has therefore stated that reason for refusal number 4 is no longer applicable. The appellant has had the opportunity to comment on this matter and has not disputed it. I have therefore determined the appeal on this basis.
4. The description of development in the banner heading above is taken from the Council’s description of development, as it more concisely and accurately describes the proposed development while the original description contained within the planning application form contains superfluous descriptive content.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;

- the living conditions of future occupiers, with particular reference to the dwelling's internal size; and
- the integrity of the Stour and Orwell Estuaries Special Protection Area (SPA).

Reasons

Character and Appearance

6. The appeal site comprises an end-of-terrace, two-storey dwelling that forms a run of four dwellings. The appeal site is located on one corner of the crossroads comprising Henniker Road and Shafto Road, and the ground levels rise upwards from the front to the rear of the plot. The host dwelling is set back from both roads by gardens laid to lawn, set behind a low-level wall, with a driveway at the end of the rear/side garden that is accessed from Shafto Road. To the rear of the appeal site are rows of terraced properties that follow a defined building line and do not extend beyond the rear corner of the host dwelling.
7. The dwelling on the opposite corner of the appeal site (14 Henniker Road) comprises a two-storey end-of-terrace dwelling that is set back from both roads by gardens. To the side of No 14 is a single storey, hipped roof extension that is subservient to the existing dwelling, is not prominent within the street, and maintains a gap to the boundary with Shafto Road. A low-level boundary fence separates No 14 from both roads. A hedge has been planted behind the fence adjacent to No 14's rear garden. To the rear of No. 14 is a recently constructed detached, two-storey, infill dwelling with rows of terraced, two-storey dwellings beyond, that all follow a similar building line.
8. The spacing of both the host dwelling and No 14 from Shafto Road, together with the low boundary treatments and soft landscaping, creates a pleasant, open character and appearance to this side of the crossroads. This is emphasised by the defined building lines of the dwellings to the north. This character contrasts with the dwellings on the opposite side of the crossroads (7A Shafto Road/21 Henniker Road and 19 Henniker Road) and further to the south towards Bramford Road, where the dwellings are sited closer to the roads and No 19 is raised above the height of the road.
9. It is proposed to construct a two-storey, hipped roof dwelling attached to the side elevation of the host dwelling, elongating the existing terrace of properties. The proposed dwelling would follow the same eaves height, ridge height and front building line as the existing terrace, and it would extend to the same depth as the host dwelling. The plot would be subdivided to provide front and rear gardens and an off-street parking space for both the proposed dwelling and the host dwelling. The proposed dwelling would occupy a large proportion of the host dwelling's side garden, extending within close proximity to Shafto Road. The siting, scale and proximity of the proposed dwelling to Shafto Road would erode the existing open character of this part of the road. This would be further exacerbated by the erection of a 1.8m high featherboard fence positioned along the back edge of the pavement to provide a private rear garden. The proposed dwelling would extend beyond the existing building line formed by the rows of terraces to the rear, resulting in a prominent feature when viewed in a southerly direction along Shafto Road.

10. The appellant has directed me to a number of examples of dwellings in the surrounding area that they consider supports their appeal. I was able to visit some of these during my site visit. I noted that these examples are not directly comparable to the appeal proposal due to, for example, extensions being single storey, building lines differing, properties originally having been constructed so that they abut the back edge of the pavement, or they are not located on a corner plot. I acknowledge that Henniker Road has a mix of housing and that its character changes along its length. However, I have considered the proposal against the character and appearance of the immediate street scene. In any event, each case must be determined on its own merits.
11. The appellant considers a condition could ensure that the side garden is soft landscaped, to overcome the Council's concern that it would be paved. However, I do not have a mechanism before me that would ensure that such landscaping would not be replaced by hard landscaping at a later date. Furthermore, given the limited size of this gap, it is unlikely that soft landscaping would make a significant contribution in reducing the prominence of the proposed development, and would take a number of years to mature.
12. In reference to the first main issue, the proposed development would significantly adversely affect the character and appearance of the surrounding area. It would be contrary to Policies DM12 and DM17 of the LP which, amongst other things, seek to reinforce the attractive physical characteristics of local neighbourhoods, the visual appearance of the immediate street scene, and protect the character and appearance of the area. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework (NPPF) which requires developments to be sympathetic to local character, including the surrounding built development.

Living Conditions of Future Occupiers

13. According to the Nationally Described Space Standards¹ (NDSS), a two-storey, two-bedroom, 3-person dwelling should provide a minimum gross internal floor area of 70sqm. There is disagreement between the main parties over the total internal floor area of the proposed dwelling, however, whichever figure is used, it would not meet the minimum requirement of 70sqm. Policy DM23 of the LP requires developers to meet the NDSS unless it can be demonstrated that it would not be viable. I have not been provided with evidence to suggest that a dwelling on the appeal site conforming to the NDSS would not be viable. The proposed dwelling would therefore result in a substandard level of living accommodation for future occupiers.
14. The appellant has submitted, during the appeal process, an amended proposed first floor plan drawing (Ref: 04 Rev 2) that has reconfigured the internal layout to show one bedroom and a bathroom. Interested parties have not had the opportunity to consider this amendment and could be prejudiced if the amended drawing was accepted. As the appeal process should not be used to evolve the design of a scheme, I must determine the appeal on the basis of the plans considered by the Council.
15. In reference to the second main issue, the proposed development would have a harmful effect on the living conditions of future occupiers, with particular

¹ Statutory Guidance: Technical housing standards – nationally described space standard, published 27 March 2015

reference to the dwelling's internal size. The proposal would therefore fail to comply with Policy 23 of the LP which, amongst other things, seeks to ensure that dwellings meet the NDSS.

Integrity of the SPA

16. The appeal site falls within the Zone of Influence of the Stour and Orwell Estuaries Special Protection Area and the Stour and Orwell Estuaries Ramsar site (SPA). This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). The Habitats Regulations impose a duty on me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plans and projects.
17. The Council has advised that the proposed development may adversely impact the SPA due to the net increase in residential units on the site. To avoid any adverse impact, the Council's adopted Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) 2019 sets out a tariff-based approach to mitigating the impact of recreational disturbance on the SPA. There is no planning obligation before me to secure the required contribution. Without such a mechanism, the payment would not be properly secured. In any event, as I am dismissing the appeal due to the harm of the proposal on the character and appearance of the area and living conditions of future occupants, I do not need to consider this matter further, as no significant likely effects on the SPA would arise from my decision.

Other Matters

18. The appeal site is located within walking distance of bus stops that provide access to and from Ipswich town centre with its various shops, services and facilities. The appeal site is also within walking distance of schools, parks and local shops. I also acknowledge that the proposal would result in the provision of a small house that would make a contribution, albeit limited, to the Government's objective of significantly boosting the supply of new homes. However, taken as a whole, these benefits do not outweigh the harm I have identified in my findings in respect of the first and second main issues.
19. The appellant considers the proposed dwelling to be of a high-quality design, and the Council has not raised concern in this regard. However, this is a neutral matter.

Conclusion

20. For the reasons given above, the appeal scheme would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

A Berry

INSPECTOR