
Appeal Decision

Site visit made on 4 May 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/R3515/W/22/3311439

Land Adjacent to 31 Annbrook Road, Ipswich, Suffolk, IP2 9JN

- 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 J Alexander against the decision of Ipswich Borough Council.
 - The application Ref. IP/22/00700/FUL, dated 5 August 2022, was refused by notice dated 3 October 2022.
 - The development proposed is erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the street scene and the wider area; and (2) the living conditions of occupants of 31 Annbrook Road, with particular reference to outlook, access to light and privacy; (3) whether occupants of the new dwelling would be served by adequate amenity space; and (4) the effect of the new access on highway safety.

Reasons

Character and Appearance

3. The appeal site is located in a prominent position at the junction of Annbrook Road and Ritabrook Road. The local topography means that land slopes down from Annbrook Road towards Ritabrook Road, but the site levels also rise above the footpath of Ritabrook Road. It is located within the residential Stoke Park & Maidenhall Character Sub Area identified in the Ipswich Urban Characterisation Study. Within these suburbs, the distinctive topography is important, with dwellings stepping down the slope to take account of broad landscape views. The mid-twentieth century dwellings in this area appear consistent as a result of some repeated house types, materials and detailing.
4. A characteristic of the area is larger gardens to corner plots, or undeveloped spaces between garden boundaries and footpaths. In some cases, there are single storey side elements to these corner buildings, but for the most part these open areas contribute to a sense of space in the street scene. Although the appellants suggest that the appeal site was part of a 'double' plot, it

reflects the pattern of larger gardens or planned open spaces found elsewhere at the junctions within the estate layout.

5. This part of Annbrook Road contains a mix of two-storey houses and flats with either pitched or flat roofs, and there is a consistent line of bungalows in Ritabrook Road to the rear. Although Policy DM17 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review 2022 (LP) allows for small scale infill development, this is subject to protecting the setting of existing buildings and the character and appearance of the area. Whilst I agree with the appellants' view that it is not necessary to copy existing designs, the proposal would not reflect any of the building styles in the vicinity, being an awkward mix of hips, gables and overly deep dormer windows. This would be at odds with the simplicity of the surrounding dwellings, with roofs uncluttered by dormer windows. The sustainable design and after-use of the building would not mitigate its incongruous design.
6. Furthermore, the dwellings in the vicinity are set back from the footpaths behind front gardens. In contrast, the principal elevation of the proposal would be located as close as 900mm to the boundary with Ritabrook Road, and would appear unacceptably cramped on the plot; the appellants suggestion that the footprint would be less than other neighbouring dwellings is not obvious from the submitted plans. As a result of its scale, position and site coverage, the new dwelling would appear unduly intrusive and prominent in the street scene, with its visual impact exacerbated by the change in site levels necessary to accommodate the new dwelling, and by the proposed wall and railings to the roadside boundary. The dwelling would project forward of 1 Ritabrook Road, but I am not persuaded that the shape of the site would justify this siting.
7. The submitted elevations indicate that the new dwelling would be no higher than 31 Annbrook Road or 1 Ritabrook Road (No.1). However, viewed on the ground, No.1 appears to be lower than shown on the submitted street elevations. As such, I am not convinced that the proposed building would be lower than that property, and would therefore have the potential to disrupt the broad landscape views so characteristic of the area. Its intrusion onto open land would erode part of the planned suburban character of the area.
8. I therefore conclude that the proposal would detract from the character and appearance of the street scene and the wider area, contrary to LP Policy DM17 b), and LP Policy DM12, which amongst other criteria requires development to respect and promote the special character and local distinctiveness of the area, to protect and enhance significant views that are considered to be important or worthy of protection, to reinforce the physical characteristics of the local neighbourhood and the visual appearance of the immediate street scene, and to constitute good architectural design that responds to and reflects its setting.

Living Conditions

9. The adjacent property, 31 Annbrook Road (No.31), has habitable room windows which face towards the appeal site. Having regard to submitted representations, I consider that the height and position of the new building would unacceptably dominate the outlook from the side windows of No.31. With a modest gap between the two properties, the proposal would likely result in a material loss of daylight and sunlight to the existing property. No technical assessment has been supplied to suggest otherwise.

10. Although not included in the reasons for refusal, I find the objections of third parties in relation to potential privacy loss to be valid, due to the position of a proposed habitable room window (bedroom) facing towards the side windows of No.31. The effect on other properties would not be so significant due to the separation. This potential for overlooking would be materially different to that arising from other first-floor windows of the dwellings in the vicinity, due to their relative positions and proximity.
11. I therefore conclude that the proposal would cause unacceptable loss of outlook, light and privacy to an extent that living conditions for occupants of No.31 would be harmed. This would be contrary to LP Policy DM17 e), which seeks to ensure that infill development does not cause unacceptable loss of amenity to neighbouring residents in matters including sunlight, daylight, outlook, overshadowing, privacy/overlooking and sense of enclosure.

Amenity Space

12. Although the appellants final comments on the appeal advise that the building would have two bedrooms, the submitted floor plan shows a third bedroom at ground floor level. The planning application form also refers to a 3-bedroom unit. In accordance with LP Policy DM7, it would therefore require a minimum private garden area of 75 sq.m. The supporting text to the policy advises that the Council will expect private garden space to be provided to the rear of the dwelling, but that exceptions may be made for corner and infill plots.
13. The Council's calculations are that the new dwelling would be served by no more than 60 sq.m of usable garden area. I note the appellants' view that the front garden should also be included in calculations, but with a large part used for vehicle parking, access, bin and cycle storage, I am not persuaded that the remainder could offer any meaningful garden space. The shortfall below the Council's standard would be significant, and the resultant garden would be small to serve what could potentially be occupied as a family dwelling.
14. Furthermore, none of the front or rear garden would be particularly private, being enclosed by a low wall with railings. This would also potentially be affected by the requirement of the highway authority to limit enclosures above a height of 0.6m within visibility splays for the new access.
15. As such, I conclude that insufficient amenity space would be provided to meet the reasonable needs of future occupants of the property, to the detriment of their living conditions. This would be contrary to LP Policy DM7.

Highway safety

16. The proposal involves the creation of a new access point close to a road junction. In its consultation response, Suffolk County Council as highway authority issued a holding objection, seeking further information to assess the available visibility splays for the proposed access. No such plan or technical information has been supplied. The appellants advise that no minor or major incidents have occurred at this junction, but the proposal would introduce a new point of potential highway conflict. Although there may be other accesses in similar positions in the area, no information has been provided of their date of construction and the highway standards against which they were assessed. As such, these offer limited support to the proposal.

17. I note the appellants' view that future residents may not have a car due to good public transport and access to local facilities, but this cannot be guaranteed, and there is a requirement for on-site vehicle parking within the Council's policies.
18. I appreciate that the siting of the new access would reduce on-street parking close to the junction, but any perceived safety benefit in this regard would be offset by vehicles manoeuvring into and out of the site without adequate visibility. Although I note the concerns of local residents about the effect of the development on parking congestion, on the basis of the evidence supplied I have no reason to consider that the new access would result in additional parking pressure that could not be accommodated locally.
19. Given the local topography and the position of the proposed access in the road, I therefore conclude that, on the basis of the information provided, it has not been demonstrated that the development would be served by a safe and convenient access, as required by LP Policy DM17 g). As such, it has the potential to adversely affect highway safety.

Other Matters

20. The appeal site is located within the Zone of Influence of the Stour and Orwell Estuaries Special Protection Area and the Stour and Orwell Estuaries Ramsar site. A financial contribution would normally be required under the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy to address additional recreational pressures arising from the proposal. However, the Council confirms that a financial contribution was made under a previous planning application, which was not refunded, and therefore this potential impact has been mitigated. It is not therefore necessary for this matter to be addressed further in this appeal.
21. The appellants advise that redevelopment of the site would reduce anti-social behaviour and promote a safe and secure community. However, no evidence of any particular issue has been supplied, and the site did not appear "overgrown and messy" at the site visit. In any event, there would be other, less intrusive measures to address such issues than the construction of a dwelling.
22. The Council recognises the contribution of windfall sites to housing delivery, but the proposal would not deliver an extra dwelling in a manner compatible with the character and appearance of the local area. The benefit of adding a single dwelling to the Borough's housing stock would be outweighed by the visual harm. Although the appellants advise that there is a major shortage of this kind and design of house, the Council confirms that the Borough has a 5-year housing land supply.
23. Third party representations and the response by the appellants make reference to a number of civil matters, such as trespass, restrictions on deeds, and the impact on a retaining boundary wall. These private issues are matters between the parties and are beyond the scope of this appeal.

Conclusion

24. For the above reasons, I conclude that this appeal should be dismissed.

H Lock INSPECTOR