



Appeal Decision

Site visit made on 24 May 2023

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/X3540/W/21/3288661

193 Maidstone Road, Felixstowe IP11 9EQ

- 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 R Baker against the decision of East Suffolk Council.
 - The application Ref DC/21/2214/FUL, dated 5 May 2021, was refused by notice dated 19 October 2021.
 - The development proposed is erection of a chalet bungalow (following demolition of existing outbuildings).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site lies within the recreational disturbance Zone of Influence of various Habitats Sites along the East Suffolk coast. Since the application was determined the appellant has provided an up-front payment as a contribution towards means of mitigating any adverse effect on the protected areas. This has addressed the Council's second reason for refusal, and I have taken this into account in determining the appeal.

Main Issues

3. The main issues are the effects of the proposal on:
 - a) the living conditions of neighbours in James Boden Close;
 - b) the character and appearance of the area;
 - c) highway safety.

Reasons

Living conditions

4. James Boden Close is a cul-de-sac serving approximately a dozen two storey dwellings of mid-20th century design. From the location plan submitted with the application the area adjacent to the hammer head appeared to be undeveloped. However, two chalet bungalows (Nos 10a and 11a) have recently been constructed on this previously vacant site. They have shallow rear gardens which abut the appeal site.
5. The side elevation of the proposed bungalow would be only 1m beyond the fence which separates the gardens of Nos 10a and 11a from the appeal site. The proximity of its triangular shaped flank wall would protrude above the boundary much more so than the existing shed. Consequently, it would appear

visually intrusive and overbearing from the living rooms of these adjacent dwellings, considerably reducing the outlook from these modest sized homes. It would also introduce a significant sense of enclosure into their gardens, making them much less pleasant places to be.

6. For these reasons I conclude that the proposal would harm the living conditions of the occupants of the adjacent chalet bungalows. It would conflict with Policies SCLP5.7, SCLP11.1 and SCLP11.2 of the Suffolk Coastal Local Plan 2020 (Local Plan) which, amongst other things, state that development must not cause unacceptable loss of amenity for neighbours having regard to matters including outlook and overbearing appearance.

Character and appearance

7. The appeal site is part of the rear gardens of Nos 193 and 195 Maidstone Road, both of which are in the appellant's ownership. The properties are served by a driveway to the rear which runs between No 3 Margaret Street and the rear gardens of dwellings in Hamilton Street. Although the surrounding area is predominantly characterised by two-storey terraced and semi-detached dwellings set in long plots, there are occasional bungalows. The immediate surroundings exhibit considerable variety in the age, style, and orientation of the houses. There is therefore no strong sense of rhythm or uniformity to the street scene. The only common factor is that all the homes appear to have direct frontage access, whereas a dwelling on the appeal site would be divorced from the street.
8. However, as a single storey dwelling, located in the space between the rear gardens of existing dwellings, it would be largely hidden from public view. Its limited bulk and mass would not be dissimilar to the adjacent chalet bungalows. It would therefore not have any significantly harmful effect on the surrounding street scene. The plot size would be adequate to accommodate a single storey dwelling with reasonable space around it. Two parking spaces would be provided, and the access is already an established part of the pattern of development in the locality. Whilst the new dwelling's siting would not be entirely in accord with the prevailing pattern of development, nearby examples of backland development appear to have been satisfactorily integrated into their surroundings. I therefore do not consider that the lack of direct road frontage is a sufficient justification to reject the proposal.
9. I conclude that the proposal would not be unduly harmful to the character and appearance of the area. It would therefore comply with Policies SCLP5.7, SCLP11.1 and SCLP11.2 of the Local Plan which require development to respond to the local context and form of surrounding buildings.

Highway safety

10. The existing driveway is of more than adequate width to serve a single dwelling. It provides access to a car port and is large enough to accommodate a caravan. Margaret Street is not a through street. It is narrow and there is limited off-street parking towards the northern end of the street where there is a parking bay and a few garages. Near the appeal site residents rely on kerbside parking. However, there appears to be little through traffic between Maidstone Road and Cornwall Road via Hamilton Street. Hence traffic flows and speeds are low, partly due to the width of the street and the need to negotiate between cars parked on both sides of the road.

11. The existing car port would be demolished. The submitted plans show there would be insufficient space for vehicles from two properties to park and manoeuvre on the site. It therefore seems likely that parking for Nos 193/195 would be displaced onto the street. Nevertheless, from what I saw on site, there is on-street capacity to accommodate any displaced vehicles. There was no specific evidence to suggest that any increased reliance on on-street parking would be unacceptable. Even if the use of the existing access was increased and vehicles reversed into Margaret Street, I consider the risk of conflict with other vehicles and pedestrians would be small.
12. I therefore conclude that the proposal would not prejudice highway or pedestrian safety. Consequently, there would be no conflict with Policy SCLP11.1(h), which seeks to avoid car dominated environments and prioritise safe and convenient pedestrian and cycle movement. The scheme would also accord with the National Planning Policy Framework's requirements to provide safe and suitable access and only refuse development on highway grounds if there would be unacceptable impact on highway safety.

Planning Balance

13. The Government is seeking to significantly boost the supply of housing and supports the efficient use of land, particularly suitable brownfield land within settlements. Providing a dwelling in an urban area close to services and facilities would be a benefit of the scheme. Furthermore, I have found that the proposal would not unduly harm the character and appearance of the area and would be acceptable in terms of highway safety. These factors also weigh in the scheme's favour.
14. However, the proposal would cause significant harm to the living conditions of occupants of Nos 10a and 11a James Boden Close. In my view the limited benefits associated with one new home would not outweigh the harm to these neighbours. This leads me to conclude that the proposal is unacceptable.

Other Matter

15. In view of this conclusion, it is not necessary for me to consider the effect of the scheme on the protected Habitats Sites, or the adequacy of the appellant's contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy.

Conclusion

16. I have found the scheme would conflict with the development plan and there are no other considerations that indicate a decision should be taken other than in accordance with the development plan. For this reason, I conclude that the appeal should be dismissed.

S M Holden

INSPECTOR