



Appeal Decision

Site visit made on 15 January 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/R3515/W/23/3320519

7 Shannon Road, Suffolk, Ipswich IP3 0JS

- 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 Messrs. Remberton and Copping (Maison Investments Ltd) against the decision of Ipswich Borough Council.
The application Ref IP/22/00719/FUL, dated 16 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is the erection of a single storey 2 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. The main parties have been given the opportunity to comment on the changes to the Framework and, where received, their responses have been taken into account in this decision.

Main Issues

3. The main issues are the effect of the proposed development on: the character and appearance of the area; and the living conditions of occupiers of No. 92 Turner Road with regard to overlooking, and noise and disturbance

Reasons

Character and appearance

4. The site is the sizeable, triangular side garden of No. 7 Shannon Road in a residential area made up of a regular arrangement of primarily terraced and semi-detached properties. In providing a visual break in built form at the corner junction with Turner Road, the site contributes positively to the area.
5. The proposal seeks to erect a single storey L-shaped dwelling at the site, following the established building line and accepted by the Council as windfall development. However, through introducing an element of built form in a currently undeveloped portion of the garden, it would inevitably alter the current openness of the site and the contribution it makes in this regard to the immediate surrounds. In this respect, I note the reference to the provision of spacious corner plots in the South East Character Area Ipswich Urban Characterisation Study (the UCS), and that while some of these may lend

themselves to new residential development, care should be taken to retain the planned layout and the open character of the area.

6. The appellant has provided an in-depth analysis of corner plots within the wider area, many of which house various elements of built form and are enclosed by fencing or hedging, and I observed the wider surrounds on my visit to show this to be the case. Nevertheless, it remains that each application must be decided on its own site-specific circumstances, and I found that the appeal site lends a notable and important sense of spaciousness to this portion of the estate, reflecting the similarly open corner plot on Nightingale Road opposite. Both this openness and sense of visual consistency with the opposite corner plot would be unduly diluted by the erection of the proposal.
7. In addition, the single storey nature of the proposal would fail to assimilate with the predominant pattern of development in the immediate surrounds. Among the prevalence of two-storey dwellings, largely terraced and semi-detached in form, the proposed detached bungalow would be an incongruous feature. While other bungalows are present in the wider area, they are some distance from the site such that the proposal would not be experienced in conjunction with these. Particularly notable due to its prominent corner plot location, it would read as a visually jarring addition to the streetscene. Due to having only one storey, the proposal would also lack the contrasting external detailing of lower and upper floors that is a common feature of the immediate area. Combined with the reduction in openness of the corner plot these elements of the proposal would overall result in it causing visual harm to the surrounds and failing to retain or reflect the layout and design of the street.
8. While there is nothing to prevent the enclosure of the site at present, and even noting reference to a section 106 obligation to prevent such enclosure as part of the proposal, there is also nothing substantive before me to suggest that the erection of fencing or planting of hedging at the site is more than a theoretical possibility at present. In any event, based on my observations and even acknowledging surrounding examples of enclosed corner sites, I find that the combination of the proposal's permanent built form and incongruous single storey nature would cause undue visual harm in the vicinity to a greater extent than possible enclosure of the site by hedging or fencing.
9. For the reasons given above, the proposal would result in significant harm to the character and appearance of the area. As such, it would fail to comply with Policies DM12(g)(i) and DM17(b) of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document 2022 (the Core Strategy), the Space and Design Guidelines SPD 2015 (the SPD), the UCS and the Framework insofar as they seek to ensure development is well-designed and protects the character and appearance of the area.

Living Conditions

10. The proposal would result in the subdivision of the current garden space at No. 7 Shannon Road to create the appeal site. It would introduce an additional dwelling close to the shared boundary with No. 92 Turner Road. This would inevitably introduce additional noise arising from a further residential dwelling at the site separate from that at No. 7. In particular, noise from the use of the shallow patio area and modest rear garden of the proposal would, due to its proximity to the private gardens of No. 92, likely be experienced by residents of this adjacent property.

11. However, even acknowledging the current spacious nature of the garden at No. 7, the noise arising from the proposal would not be of a type that would differ significantly from its current use or be out of place in a residential area with gardens backing onto one another. In addition, due to the likely limited occupation of the proposed bungalow resulting from its scale, this noise would not likely be of a magnitude that would create undue disturbance.
12. Furthermore, the submitted plans show a 2 metre high acoustic fence along much of the boundary between the site and No. 92. Had the proposal been acceptable in all other aspects I am satisfied that this could have been secured by way of a condition requiring precise details of the fencing to be submitted to and approved in writing by the Council prior to first occupation. Accordingly, even noting the modest dimensions of the rear amenity space of the proposal and its proximity to the gardens of No. 92, it would not result in undue noise and disturbance to nearby residents.
13. Although not noted in the reasons for refusal, the Officer's Report also raises concerns that the proposal would result in undue overlooking of the garden space at No. 92. However, despite its facing windows, due to the single storey nature of the proposal and the presence of a 2 metre high boundary fence, no clear views of the gardens or habitable windows of No. 92 would arise. In this regard it would not disrupt the privacy of occupiers of this dwelling or impact upon their enjoyment of their gardens or habitable rooms.
14. While the proposal would not meet the minimum privacy distance of 9m between the rear elevation and garden boundary as set out in Policy DM18 of the Core Strategy, this is subject to an established pattern of development that matches the proposed development. In this case, I note that the rear elevation of No. 92 Turner Road is also located close to the garden boundary, such that this would not be uncommon in corner plots.
15. For the reasons given, the proposal would not result in harm to the living conditions of residents at No. 92 Turner Road with regard to overlooking, and noise and disturbance. As such, it would comply with Policies D17(e) and DM18 of the Core Strategy, the SPD and the Framework insofar as they seek to protect amenity.

Other Matters

16. The appeal site is close to the Stour and Orwell Estuaries Special Protection Area and the Stour and Orwell Estuaries Ramsar site, such that a Recreational Disturbance and Mitigation Strategy contribution is required. The main parties agree that this payment has been made. In any event as I am dismissing for other reasons I do not need to consider this further.
17. The main parties' submissions agree that the Council can currently demonstrate a 5 year housing land supply. There is nothing substantive before me to suggest that this is no longer the case. Nevertheless, it remains that there is no barrier to overprovision of housing beyond this figure. The proposal would contribute to the housing mix and supply of the area, in a sustainable location within an established residential area. While it would be a bungalow there is no guarantee that it would house elderly occupants or those with dementia. Nevertheless, even acknowledging a need for bungalows within the wider area, overall this benefit attracts only moderate weight given the single dwelling nature of the proposal.

18. The proposal would also provide biodiversity net gain through incorporating trees and a hedged border. Although limited in nature and a policy requirement, this also carries limited weight in favour of the proposal. The proposal also would contribute to the local economy in providing construction jobs, potential for purchase of local materials, and new customers to surrounding shops. However, due to the scale of the development these benefits are limited.
19. The appellant has referred to a previously refused application at the site for a two storey dwelling, citing that the proposal has been reduced in scale from this. However, I have limited details of the specifics of this scheme before me, and each proposal should be assessed on its own merits. It remains that I have found the proposal to cause visual harm in its own right.

Conclusion

20. I have found that the proposal would not result in harm to the living conditions of occupiers of No. 92 Turner Road with regard to noise and overlooking. This is a lack of harm, which is neutral in the overall planning balance. Even when taken together with the other matters outlined above this would not outweigh the harm I have found to the character and appearance of the appeal site and the area.
21. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR