
Appeal Decision

Site visit made on 9 February 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/X3540/W/23/3326104

Forest Lodge, 11 Birch Grove, Martlesham Heath, Ipswich, Suffolk IP5 3TD

- 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 Stuart Burke against the decision of East Suffolk Council.
 - The application Ref is DC/23/0968.
 - The development proposed is erection of detached two-storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework ('the Framework') was revised in December 2023. Insofar as it is relevant, the content of the Framework has not been materially altered in respect of the main issue before me, and therefore it was not necessary to go back to the parties in this regard.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The site comprises a large, detached dwelling set within the northern part of its large garden, at the head of the cul-de-sac of Birch Grove. The site's northern and western boundaries adjoin a wooded area, and a footpath into this runs along the site's southern boundary. The street comprises a linear arrangement of similarly imposing dwellings, with some variety in style and layout. They are set within generous plots with mature landscaping, with the buildings being prominent within the streetscene. Overall, this creates a very spacious and open suburban character.
5. The Martlesham Neighbourhood Plan 2016-2031 (MNP) (2018) identifies that the village is an admired model of town planning. This is particularly due to the individuality running through each 'hamlet' within the larger village, and their separation by open space, as specifically intended in the Martlesham Heath original vision and masterplanning. Birch Grove has the most spaciouly set dwellings of all of these hamlets.
6. No. 11 Birch Grove is unusual within the streetscene as it presents a very limited frontage. The height of its southern boundary hedging restricts most immediate views of its built form, although it is more visible from woodland

- paths to the west, and from the cul-de-sac head. The gap created by its side garden is similarly visible and contributes to the area's open character.
7. The proposal is to subdivide the plot of No. 11, and erect a detached 2 storey dwelling very close to the southern boundary. It would have a dual pitched roof with a forward and rear facing gable protrusion, and would share the existing access.
 8. Compared to the previously dismissed dwellings on the site¹, the proposed dwelling would be reduced in scale and width, and further separated from the host. Notwithstanding this, it would still be 2 storey, and would have the same proximity to the southern boundary. Although the size of the resulting 2 plots would be sufficiently generous in general terms, they would still be at odds with the others on the street, as would the size of the proposed dwelling itself. The relative size and proximity of the 2 dwellings would also create an uncomfortable relationship.
 9. I therefore find that the proposal's overall height and massing within the existing openness of the garden would have a similar impact as that found by the previous Inspector. As such, it would result in a contrived and cramped form of development, and fail to integrate successfully with the intended spacious character of the hamlet. This harm would be visible from surrounding properties and from the woodlands, as well as being intrinsic harm to the design principles on which the village was founded.
 10. The appellant considers that the dwelling's impact is mitigated by the additional 4 years of surrounding hedgerow growth since the previous appeals. My site visit identified that the southern boundary is high and thick, and does block immediate views. However, this does not affect the intrinsic harm, or views from the woodlands and the street as identified above. Furthermore, the retention of a specified height of this hedge could not be required by a planning condition, as this would not meet the Planning Practice Guidance required 6 tests for planning conditions. Its height therefore cannot be relied upon for mitigation. While additional landscaping could be introduced, I am also unconvinced that this could sufficiently negate the harm.
 11. Overall therefore, the proposed development would result in harm to the character and appearance of the area. It would conflict with Policies SCLP5.7 and SCLP11.1 of the East Suffolk Council - Suffolk Coastal Local Plan (SCLP) (2020), and Policies MAR3 and MAR4 of the MNP. Together and amongst other matters, these seek that new development should demonstrate a high quality of design and layout, be in keeping with the character of the individual hamlet in which the site is located, and be well related in scale and design to adjacent properties and the local context.

Other Matters

12. The Framework seeks to significantly boost the supply of homes, and gives support for the development of windfall sites. An additional house is therefore a benefit of the proposal, although it would only be a small-scale contribution to the housing supply. There would also be small social and economic benefits from construction, and from the local expenditure and demand for services by the additional residents. I give these benefits minor weight.

¹ Appeal A APP/J3530/W/18/3206243, Appeal B APP/J3530/W/18/3206684, dismissed in 2019.

13. The site would have sufficient parking and manoeuvring space, and there would be no loss of amenity to neighbouring residents, but these are neutral matters in my determination.
14. The site lies within a recreational 'Zone of Influence' for the Sandlings Special Protection Area (SPA), the Deben Estuary SPA/Ramsar, the Alde-Ore Estuary SPA/Ramsar, the Stour and Orwell Estuaries SPA/Ramsar, and the Orfordness-Shingle Street Special Area of Conservation (SAC), collectively identified as 'Habitats Sites'. These are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Permission may only be granted after having ascertained that the proposed development would not affect the integrity of these protected sites.
15. New residential development within this area has been identified to result in increased recreational disturbance on Habitats Sites, with an in-combination effect which will result in an adverse effect on their integrity. Mitigation is therefore required, suggested to be a financial contribution to the Suffolk Recreation Disturbance Avoidance and Mitigation Strategy which provides strategic mitigation measures to address this impact. The appellant confirms that this would have been paid were the application approved. However, as I am dismissing the appeal on other grounds, I do not need to consider further the implications of the Habitats Regulations, and whether the proposal would adequately mitigate its effect on the integrity of the protected sites.

Conclusion

16. The proposed development conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR