



Appeal Decision

Site visit made on 27 February 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/R3515/W/23/3320425

42 Belvedere Road, Ipswich, Suffolk IP4 4AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Baldry against the decision of Ipswich Borough Council.
 - The application Ref is IP/22/00543/FUL.
 - The development proposed is erection of three new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of three new dwellings at 42 Belvedere Road, Ipswich, Suffolk IP4 4AB in accordance with the terms of the application, Ref IP/22/00543/FUL, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their response in my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the integrity of protected European sites.

Reasons

Character and appearance

5. Belvedere Road is a suburban residential street comprising a mix of housing types and styles including two-storey detached and semi-detached houses, smaller terraced dwellings and some bungalows. The predominant layout is linear frontage plots but there is some more recent back-land development.

6. The appeal site is on the border of two character areas identified in the Ipswich Urban Characterisation Study. No 42 is in the Northeast area, characterised by larger garden plots and a lower density housing mix; and No 40 is in the California area, which has a higher density pattern of housing. The plot at No 42 is wider than most others in Belvedere Road and is unusual in having a detached side garage.
7. The proposed new frontage dwelling would complement the siting of the houses at Nos 42 and 44 to create a group of three detached two-storey dwellings of comparable dimensions with a coherent building line. By replacing the single-storey garage, the new dwelling would fill an incongruous gap in the frontage, which would improve the street scene in this part of Belvedere Road. There is already a contrast in scale and density between Nos 42 and 44 on the one hand and the adjacent Northeast area bungalows on the other, so the new house would also help achieve a gradual transition between the two character areas.
8. The front gardens of Nos 42 and 44 are given over to parking with little greenery, as are the front gardens of many other houses further up the road. The area in front of the garage is already a driveway. Consequently, the proposed parking layout for No 42 and the new house would cause little detriment to the appearance of the street. The roof, window and door design of the new house would complement those at No 42, even if not all that house's design details would be included. Given the variety of house designs in the immediate vicinity, I am satisfied the proposal's design would be appropriate in its context. Agreement of external materials, landscaping and boundary treatments could be secured by condition to ensure a satisfactory finish.
9. The proposed back-land pair of semi-detached houses would align with the siting of the existing pair behind No 40 to create another group of dwellings of comparable dimensions and form. The coherence of this group would be reinforced by shared use of the existing access road and a similar parking layout, and by complementary materials secured as above. Even if Nos 40a and 40b were granted permission under a previous planning policy and guidance regime, they now form part of the local urban fabric, and I am satisfied the proposed development would knit into this acceptably, for the reasons given.
10. The garden sizes of the three new houses would be comparable to those of the houses immediately surrounding them, including those on the other side of Belvedere Road. Therefore, the proposed layout of the scheme as a whole would not be out of place in its immediate context, notwithstanding the longer gardens further up Belvedere Road. Given the appeal site is not currently managed as a garden, the provision of managed garden spaces within smaller land parcels would help reinforce the garden suburb character of the area whilst also making effective use of the land for housing. Soft landscaping secured by condition would help achieve this.
11. For the above reasons, I conclude the proposal would not have a harmful effect on the character and appearance of the host dwelling or surrounding area. Accordingly, I find no conflict with Policies DM12 and DM17 of the Ipswich Local Plan Core Strategy and Policies Development Plan Document Review 2022 (ILPR). These Policies require the design of new development to help reinforce the attractive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene; and require small-scale residential

development to protect the setting of existing buildings and the character and appearance of the area.

12. I also find no conflict with the Framework, which seeks development that is sympathetic to local character while not preventing appropriate innovation or change, such as increased densities.

Integrity of protected European sites

13. The appeal site lies within the Zone of Influence of the Stour and Orwell Estuaries Special Protection Area (the SPA), which is a European site protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
14. The SPA comprises extensive mudflats, low cliffs, saltmarsh, small areas of vegetated shingle, areas of low-lying grazing marsh and several freshwater pools. In summer, it supports important numbers of breeding avocet, and in winter it holds major concentrations of waterbirds, especially geese, ducks and waders. Regularly occurring migratory species include dark-bellied brent goose, redshank, knot and dunlin.
15. The SPA provides an important recreational and economic resource. On the evidence before me, the proposal, particularly when combined with other development in the area, would be likely to have a significant effect on this protected European site. Consequently, under the Habitats Regulations, an appropriate assessment is required in relation to the effect of the development on the integrity of the site. This responsibility falls to me as competent authority in the context of this appeal.

Appropriate Assessment

16. The conservation objectives of the SPA aim to ensure the integrity of the site is maintained or restored. This includes maintaining or restoring the extent, distribution, structure, function and supporting processes of the habitats; and the population and distribution of each of the qualifying features within the site. There is a threat to its integrity from public access and disturbance, including from recreational activities such as walking, dog walking and water sports.
17. It is likely the occupants of the proposed dwelling would visit the SPA, resulting in increased recreational activity that would disturb the protected habitats and birds within the site. Therefore, the development, alone and in combination with other development, would be likely to have significant adverse effects on the integrity and conservation objectives of the SPA.
18. The parties have agreed a financial sum in accordance with the Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (Suffolk Coast RAMS). The sum would be put towards a programme of strategic mitigation measures. Natural England has been consulted as part of this appropriate assessment and has confirmed that the Suffolk Coast RAMS measures are sufficient to avoid an adverse impact on the integrity of the SPA.
19. I am satisfied on the evidence before me that the appropriate tariff has been received by the Council for the purposes of contributing to the strategic mitigation measures in the Suffolk Coast RAMS. I therefore find there would be no adverse effect from the proposed development on the integrity of the SPA

as a designated European site. Consequently, it would accord with Policy DM8 of the ILPR, which reflects the requirements of the Habitat Regulations. It would also be consistent with the Framework, which requires adequate mitigation if significant harm to sites protected under the Habitats Regulations cannot be avoided.

20. The Council's decision report refers to Policy DM31 of the ILPR in relation to the SPA, but that Policy addresses town centre uses so is not relevant to my consideration of this main issue.

Conclusion

21. For the reasons set out above, I conclude the proposed development would not have an adverse effect on the integrity of protected European sites.

Other Matters

22. It has been put to me the grant of planning permission would set a precedent for other similar back-land developments. However, no directly comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
23. Local residents have expressed other concerns including parking, traffic generation, highway safety, and reduced light and/or privacy for neighbouring occupiers. These matters were considered by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
24. Construction would cause some disruption, but this would be temporary and would be mitigated by a Construction Management Plan which could be the subject of a condition. Ownership of the access road is a private matter between the relevant parties and not within my jurisdiction.

Conditions

25. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
26. I sought the views of the parties on the conditions. The appellant has agreed the pre-commencement conditions.
27. A Construction Management Plan (CMP) is necessary to protect the living conditions of neighbouring occupiers during construction. This is a pre-commencement condition because details of the CMP need to be agreed before demolition and construction commence.
28. The condition on percentage reduction in CO₂ emissions and water efficiency is necessary to accord with Policy DM1 of the ILPR. This is a pre-commencement condition because the details potentially affect the fabric of the buildings hereby approved.

29. Visibility splays are necessary for the safety of users of the highway. This is a pre-commencement condition because the visibility splays are required for safe access and egress to the site by construction vehicles.
30. The condition on refuse/recycling storage and collection is necessary for the satisfactory management of waste. The condition relating to cycle storage is necessary to promote cycling. The condition securing the car parking spaces is necessary for effective parking management. Electric vehicle charging is covered by another regulatory regime, so a condition is not necessary to require this.
31. The conditions relating to materials, boundary treatments, landscaping and biodiversity enhancements are necessary to secure the satisfactory appearance of the development.

Conclusion

32. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 4144-01B Location Plan; 4144-02B Existing Block Plan; 4144-04J Proposed Site Plan; 4144-05J Proposed Scheme on Topographical Survey; 4414-06D Proposed Scheme Plots 1&2; 4144-07E Proposed Scheme Plot 3.
- 3) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i) the parking of vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) piling techniques (if applicable);
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoardings;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until details have been submitted to and agreed in writing by the local planning authority of:
- i) the expected percentage improvement in the reduction in CO₂ emissions from the dwellings hereby approved compared to the Target Emission Rate of the 2013 edition of the 2010 Building Regulations (Part L); and
 - ii) water efficiency measures to achieve a maximum water usage of 110 litres per person per day in each dwelling hereby approved.

The development shall be constructed in accordance with the approved details. Prior to first occupation of the dwellings hereby approved, certification of compliance with the approved standards shall be submitted to and approved by the local planning authority.

- 5) Before the access is first used visibility splays shall be provided as shown on Drawing No. 4144-04J with an X dimension of 2.4 metres and a Y dimension of 35 metres (tangential to the nearest edge of the carriageway) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 6) No development above ground shall take place until details of secure, covered and lit cycle storage including provision for electric assisted cycles shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwellings. The cycle storage shall thereafter be kept available for the parking of cycles.
- 7) No development above ground shall take place until details of areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwellings. The refuse and recycling bin storage and collection/emptying areas shall be retained thereafter.
- 8) No development above ground shall take place until the following details have been submitted to and approved in writing by the local planning authority:
- i) external facing and roofing materials.
 - ii) boundary treatments, including gaps to allow movement of animals; and
 - iii) hard and soft landscaping.

The development shall be carried out in accordance with the approved details.

- 9) All changes in ground levels, boundary treatments, hard landscaping, planting, seeding or turfing comprised in the details approved under Condition 8 shall be carried out in full prior to the end of the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and shall be retained thereafter. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing No. 4144-04J for the loading, unloading, manoeuvring, and parking of vehicles and that space shall thereafter be kept available at all times for those purposes.

End of schedule