



Appeal Decision

Site visit made on 19 August 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/X3540/W/23/3335768

16 Park Lane, Kirton, Ipswich, Suffolk IP10 0QB

- 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 C Andrews against the decision of East Suffolk Council.
 - The application Ref is DC/23/1984/FUL.
 - The development proposed is described as 'Construction of a detached dwelling on severed garden including demolition of existing porch/entrance lobby.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the recreational disturbance Zone of Influence for Habitats Sites (European Sites). The Conservation of Habitat and Species Regulations¹ require the competent authority to ensure that there are no significant adverse effects from the proposed development. In relation to this matter, the Council has confirmed that its second reason for refusal has been overcome through the provision of a financial contribution towards the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). I shall return to this matter in my decision.

Main Issues

The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on the living conditions of the existing occupiers of No 16 Park Lane with particular regard to garden space.

Reasons

Character and appearance

3. The appeal site comprises part of the garden area of a semi-detached single storey dwelling at the corner of Park Lane and Weir Place. Existing residential homes in the area comprise modest semi-detached bungalows and two-storey dwellings of varying designs. The spaces between properties and comparable

¹ The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations)

wide angled verges on either side of the junction of Weir Place along with the spaciousness of the appeal site, and views across to open fields contribute positively to the semi-rural setting of residential properties and the character of the area.

4. The proposed development would introduce a detached bungalow between the side of No 16 Park Lane and Weir Place. Although the development would continue the established frontage along Park Road it would introduce a relatively deep and wide detached bungalow. Being set so far back in the plot it would leave little space to the rear boundary with No 2 Weir Place. Although No 16 and No 2 have short rear gardens, these are discrete, and off-set by the wide spacious gardens both these properties have to their sides.
5. As well as having corresponding side gardens, No 16 and No 2, are also of the same architectural style. Although the proposed development would be of simple form and height and use appropriate material, it would be of distinctly differing detached design from these properties. It would appear to project in front of No 2, and therefore appear incongruous. This would harmfully disrupt the existing pattern of development and given the position close to the rear boundary it would be highly visible within the streetscene and the area from Weir Avenue when viewed towards the junction with Park Lane and across the garden of No 2.
6. The development would also be positioned very close to the side of No 16, leaving a very narrow separation gap. I consider that there is a pattern of development within the area, with greater space between the main built forms, as opposed to smaller linked sections, of properties. As a consequence of the above factors, the proposed development and the property at No 16 would be deprived of a proper setting and both would appear cramped within their respective plots. Overall the space afforded by the appeal site would be harmfully eroded. Thus the development would be detrimental to the spacious character and semi-rural appearance of the area which is enhanced by the spaciousness around the junction to Weir Place.
7. For the reasons stated, I conclude that the proposal would be harmful to the character and appearance of the area. The proposed development is therefore contrary to Local Plan Policies SCLP5.7, SCLP11.1 and SCLP11.2 of the Suffolk Coastal Local Plan, adopted September 2020 (the Local Plan). Collectively these seek to avoid harm to the street scene and character of the area and seek high quality design that fits in well with the existing neighbourhood layout and neighbouring properties. Although, I do not find direct conflict with Policy SCLP5.2, which relates to the principle of the development, this does not outweigh the conflict with aforementioned policies.

Living conditions

8. The proposed development would reduce the available garden space at No 16. The private space would be enclosed by tall fencing to three sides, as well as the breeze block outbuilding. The rear garden appears small and awkwardly proportioned and would feel very enclosed.
9. An amount of garden area should be retained to meet the reasonable needs of existing and future occupiers. Although it would be private its size, proportions and enclosure would make the garden area less attractive to use as a result. Given that the frontage of the property would predominantly be used for

parking vehicles, there would be little alternative space to sit out, hang washing or undertake other domestic activities. I have not been provided with any garden space standards or the resultant area for the garden for No 16, but to my mind the resultant private space would not be commensurate with the relatively substantial two bedroomed property.

10. I therefore conclude that the development would harm the living conditions of the occupiers of No 16 with regard to garden space. Consequently, the proposal would be contrary to Local Plan Policies SCLP5.7 and SCLP11.2. Together these seek, amongst other things, to ensure that there is no significant harm to the residential amenity of occupiers of existing dwellings and provide for adequate living conditions.

Other Matters

11. If I were minded to grant planning permission, I would need to be satisfied that the proposal would not adversely affect the integrity of any European sites. These relate to the Deben Estuary SPA/Ramsar; the Stour; Orwell Estuaries SPA/Ramsar; the Sandlings SPA; the Alde-Ore Estuary SPA/Ramsar and the Orfordness-Shingle Street SAC. In doing so, I would need to consider whether the payment made by the appellant would secure the specific mitigation of any effects in this instance. I would need to consider this matter in the context of Local Plan Policy SCLP10.1 which seeks to protect such sites. However, as I am dismissing the appeal for other reasons, I do not need to reach a finding on this matter.
12. The proposal would make effective use of the site to deliver one additional dwelling contributing to targets for the provision of new housing. However, the contribution including that of construction and spending by residents would be limited by the small scale of the development.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
14. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR