

Appeal Decision

Site visit made on 28 August 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/R3515/W/23/3331285

51 Henslow Road, Ipswich, Suffolk IP4 5EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Christopher Bore against the decision of Ipswich Borough Council.
 - The application Ref is IP/23/00349/VC.
 - The application sought planning permission for the severance of side garden and erection of semi-detached dwelling house without complying with a conditions attached to planning permission Ref IP/16/00005/FUL, dated 3 March 2016.
 - The condition in dispute is No 1 which states that: The development shall be carried out in accordance with the details shown on the submitted application forms (including facing materials) and the following approved drawings: - Drawings no's 365/001/11 Rev A, 365/001/12.
 - The reason given for the condition is: To identify the approved drawings for the avoidance of doubt.
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Decision

1. The appeal is allowed and planning permission is granted for at 51 Henslow Road, Ipswich, Suffolk IP4 5EQ in accordance with the terms of the application, Ref IP/23/00349/VC, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Although construction above ground level has not begun, the Council has confirmed that, due to the discharge of conditions and applications relating to building control, the development approved under the original planning permission has commenced. Therefore, I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect that amending condition 1 would have on the character and appearance of the surrounding area.

Reasons

4. Planning permission¹ has been granted on the appeal site to allow the construction of a two-storey dwelling attached to No.51 Henslow Road. The appeal seeks to vary condition 1, relating to the approved plan, of the original permission. This is to allow alterations to the fenestration, the southern side elevation and rear projection along with the addition of solar panels and a rear dormer window to provide an additional bedroom within the roofspace.
5. The amendments to the two storey rear projection includes a flat roof to allow for a dormer on the rear roof slope. These elements would have limited visibility within the streetscene, with only some side views possible through the gap between the properties. However, these proposed features would still be visible from the neighbouring dwellings on this side of Henslow Road and the properties to the rear.
6. It is noted that there are limited examples of these styles of development within the surrounding area and whilst the appellant has provided images of flat roofs and dormer windows in the area, these are some distance from the appeal site and vary considerably from the development proposed. Nevertheless, the proposed dormer window is modest in scale and would not appear overly incongruous in this urban residential setting, where such features are generally commonplace. Similarly, the proposed two-storey projection with a flat roof is not particularly large and would not appear out of keeping in this urban environment. As such, the amendments to the design of the proposed dwelling would not be to the detriment of the character and appearance of the area.
7. I therefore conclude that amending condition 1 would not have a harmful impact on the character and appearance of the surrounding area. As such I find no conflict with the relevant sections of Policies DM12 and DM17 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review 2022. These policies collectively seek to ensure that proposal respect and promote the special character and local distinctiveness of Ipswich by ensuring good architectural design that responds to and reflects its setting whilst protecting the setting of existing buildings and the character and appearance of the area. It would also comply with the general design objectives of the National Planning Policy Framework.

Conditions

8. As the Council has confirmed that the development has commenced, I have not imposed the standard time limit condition for the commencement of the development.
9. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

¹ IP/16/00005/FUL (the original permission)

10. Condition 7 relating to obscure glazing on side elevation windows has been amended from the original permission as the amendments result in the addition of a second floor window on the side elevation, as well as the windows at first floor level. Condition 2 of the original permission has also been amended to include the submission and approval of details relating to access arrangements, as this is not clear on the submitted plans.

Conclusion

11. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos CB/01/22 Rev A, CB/02/22 Rev A, CB/03/22 Rev C, CB/04/22 Rev B and CB/07/22 Rev B, CB/06/22 Rev B and CB/05/22 Rev C.
- 2) Before the hereby-approved dwelling is first occupied the following details shall be submitted to and agreed in writing with the Local Planning Authority:
 - i. Boundary treatments (including gaps for ecological movement)
 - ii. Ecological habitat
 - iii. Cycle storage
 - iv. Access arrangements, including in relation to the retained garden for 51 Henslow Road.

The agreed works shall be provided in their entirety on first occupation and retained as such thereafter.

- 3) The dwelling shall not be first occupied until the area within the site shown on drawing no. CB/02/22 Rev A for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purpose.
- 4) Before the hereby-approved development is commenced a construction management plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall only be implemented in accordance with the agreed plan.
- 5) Unless otherwise agreed in writing, the hereby-approved dwelling shall be constructed so that a minimum energy/CO2 standard of 19% over Target Emission Rate (TER), as determined by the 2006 Building Regulation Standards and a maximum water standard of 110 litres per person per day (or in the case that the achievement of these standards are demonstrated not to be feasible or viable a lesser standard level as may be agreed in writing with the Local Planning Authority) are met. Prior to first occupation of the hereby approved dwelling details of compliance with the aforementioned requirements shall be submitted to and agreed in writing by the Local Planning Authority.
- 6) Notwithstanding the provisions of Classes A or B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) there shall be no extensions carried out to the hereby-approved dwelling.
- 7) The windows at first and second floor level in the south facing side elevation shall be obscure glazed only and retained as such thereafter.

- 8) Before the dwelling is first occupied and notwithstanding the details submitted as part of the application, details of landscaping shall be submitted to and agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the agreed details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner, and 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, unless the Local Planning Authority gives written consent to any variation.

END OF SCHEDULE