
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: 16th September 2024

Appeal Ref: APP/R3515/W/24/3338246

26 Humber Doucy Lane, Ipswich, Suffolk IP4 3NP

- 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 S Wellfare against the decision of Ipswich Borough Council.
- The application Ref is IP/23/00754/FUL.
- The development proposed is the erection of a detached bungalow with off road vehicular parking/turning area accessed by private driveway from Humber Doucy Lane.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is noted that a previous proposal for the erection of two detached chalet bungalows on the appeal site was refused planning permission¹ by the Council and dismissed at appeal². Nevertheless, I have determined this appeal proposal on its own merits.

Main Issues

3. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings, with regard to outlook and loss of privacy; and
- the effect of the proposed development on biodiversity.

Reasons

Character and Appearance

4. The appeal site is an area of land to the rear of the property at No.26 Humber Doucy Lane which currently forms part of its rear garden but which has separate access onto a shared private side road. The site is open and

¹ IP/22/00005/FUL

² APP/R3515/W/22/3298073

undeveloped with a mowed lawn and several trees with planting and fencing along the boundaries. The surrounding area is largely residential in nature with the appeal site located at the end of a row of dwellings on the eastern side of Humber Doucy Lane with open and undeveloped fields on the other side and a football club to the rear. Dwellings in the immediate area generally follow a strong linear pattern, fronting the road with gardens to the rear. The area is semi-rural and verdant in nature, due to its location directly adjacent to the open countryside, and the undeveloped nature of the appeal site makes a positive contribution to this setting.

5. The proposed development would introduce a separate detached bungalow onto the appeal site with off road parking and access via the private side road. Due to its backland location and single storey nature, the proposed development would not be a prominent addition to the streetscene, with limited visibility from Humber Doucy Lane. However, it would still be highly visible from the properties along this side of the road and from those using the private road to access the football club behind the appeal site.
6. The proposed dwelling has a significant footprint and covers a large proportion of the appeal site, appearing as a standalone dwelling rather than a garden outbuilding used in association with No.26. As a separate dwelling, its backland location, without any street frontage and in this rear garden environment, would appear at odds with the strong prevailing pattern of development in the area as outlined above.
7. Although not within the countryside, the site is set against the backdrop of the adjacent open countryside with limited buffering from the football club site to the rear, which is largely open fields with a limited number of buildings and structures, and the private track road to the side. As such, the loss of its current open and undeveloped rear garden nature would result in the urbanisation of the appeal site to the detriment of its semi-rural character and appearance of this town/countryside edge location.
8. A detached cartlodge has recently been constructed in the rear garden of No.26, adjacent to the boundary with the appeal site. However, this covers a relatively small footprint and appears as a typical residential outbuilding within a rear garden environment. Therefore, it does not dramatically change the character of the appeal site or result in the urbanisation of this location and additional domestic built form adjacent to the site does not lessen the resultant harm of the proposed dwelling as outlined above.
9. The appellant contends that there are examples of dwellings within the area which do not follow the general pattern of development, making particular reference to the dwellings on Summerfield Close. This is a small cul-de-sac off Humber Doucy Lane with dwellings behind the frontage properties. However, as it leads to additional dwellings, this appears as a standalone side road rather than the backland development in the appeal proposal before me. Therefore, this does not set a precedent for the development proposed.
10. Therefore, I conclude that the proposed development would harm the character and appearance of the area and would 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 (the LP) 2022. These policies collectively seek to ensure that proposals respect and

promote the special character and local distinctiveness of Ipswich with the design helping to reinforce the attractive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene, protecting the setting of existing buildings and the character and appearance of the area.

Living Conditions

11. The appeal site is located to the rear of the existing dwellings on Humber Doucy Lane. Due to the layout of the appeal site and the surrounding gardens, the proposed development would sit alongside the boundary of the rear garden at No.22 Humber Doucy Lane. These two sites are currently separated by a well-established hedging which currently blocks intervisibility between the two.
12. Whilst the proposed dwelling would be located in close proximity to the boundary with No.22, it is single storey in height with a shallow pitched roof. As such, views of the proposed building would be largely blocked by the existing hedging and would not result in a harmful sense of enclosure for the occupiers of this neighbouring dwelling when in this section of their garden. The boundary hedging would also prevent a loss of privacy to the occupiers of No.22, when using their garden, from the proposed windows on the southern elevation.
13. Furthermore, due to the length of the garden, the dwelling at No.22 is some distance from the appeal site and therefore the proposal would have a limited impact on the occupiers of this neighbouring dwelling when inside their property. Whilst the proposal would not meet the minimum privacy distances outlined in Policy DM18 of the LP, it would constitute a non-traditional layout which achieves acceptable standards of privacy and amenity.
14. Therefore, for the reasons above, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwelling, No.22, and would comply with the relevant sections of DM17 and DM18 of the LP. The relevant sections of these policies collectively seek to ensure that small scale infill and backland residential developments do not cause an unacceptable loss of amenity to neighbouring residents with regard to overbearing impact and sense of enclosure and visual privacy and overlooking.

Biodiversity

15. The site, which currently forms part of the garden of No.26, is largely comprised of a lawn with several trees and perimeter planting. The proposal would result in the loss of the existing trees on the appeal site to accommodate the proposed dwelling, some of which appear to have already been removed. However, the appellant indicates that there is currently limited habitat on the appeal site and that the proposed replacement trees would provide significant biodiversity gains.
16. The proposed site plan indicates the location of eight replacement trees on the appeal site. Whilst the footprint of the proposed dwelling and hardstanding for parking is extensive, open green spaces remain on either side of the dwelling where these replacement trees are proposed to be planted, in the private garden space and adjacent to the boundary with No.26.

Whilst these would be located in relatively close proximity to the proposed development, there is ample room to accommodate them and I see no reason as to why they could not be successfully implemented. Details of the types of trees to be planted are limited. However, the submitted plan demonstrates that replacement trees would be achievable and specific details could be secured via a suitably worded planning condition, including provision for their retention.

17. The Council indicate that the proposed development may impact a tree in the neighbouring garden which overhangs the appeal site. However, the proposed dwelling is well set back from this shared boundary and would have a limited impact on this neighbouring tree. A condition relating to the construction methodology could be included, should planning permission be granted, to ensure that the construction phase does not impact upon the roots of this neighbouring tree.
18. Therefore, subject to conditions relating to the provision of replacement trees and the submission of details of the construction methodology, the proposed development would not result in material harm to biodiversity on the appeal site. As such, it would comply with the relevant sections of Policies DM8, DM9 and DM17(d) of the LP which seek to ensure that proposals resulting in significant harm or net loss to biodiversity will not normally be permitted with the Council seeking to protect existing trees and secure additional trees in the interests of amenity and biodiversity.

Other Matters

19. The proposed development would contribute to the supply of housing, with a new dwelling which the appellant states can be delivered quickly and that makes efficient use of the land. The construction of the dwelling would provide employment for local people and require the purchase of materials and the future occupiers would contribute to the local economy, enhancing and maintaining local services. However, due to the scale of the development, this is given limited weight and would not outweigh the harm to the character and appearance of the area identified above.
20. The Council's fourth reason for refusal indicates that new housing within a 13km zone of influence of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure. Although the relevant European site has not been identified, the Council state that this is applicable to the appeal site and to mitigate this, a per-dwelling financial contribution is required to fund the Suffolk Recreation Avoidance Mitigation Strategy (Suffolk RAMS). As part of this appeal, the appellant has made this payment to the Council, which they consider addresses this fourth reason for refusal.
21. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, no further evidence has been provided to me on this matter and regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall

conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

22. Whilst the proposed development would not harm biodiversity or the living conditions of the occupiers of neighbouring properties, it would harm the character and appearance of the area. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR