



Appeal Decision

Site visit made on 10 December 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/R3515/W/24/3345920

169 Britannia Road, Ipswich, Suffolk IP4 5HA

- 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 and Mrs P Vincent against the decision of Ipswich Borough Council.
 - The application Ref is IP/24/00100/FUL.
 - The development proposed is the erection of a detached dwelling (fronting Newbury Road).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling (fronting Newbury Road) at 169 Britannia Road, Ipswich, Suffolk IP4 5HA in accordance with the terms of the application, Ref IP/24/00100/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the site and the surrounding area;
 - the living conditions of the occupiers of the neighbouring dwellings in relation to privacy and outlook; and
 - highway safety in relation to visibility splays.

Reasons

Character and Appearance

4. The appeal site is an area of land to the rear of the properties 169 and 171 Britannia Road, facing Newbury Road. It appears to have previously formed part of the rear gardens of No.169 and 171, however it has been separated from these properties and is currently unused, surrounded by a high close boarded timber

fence. The proposed development would introduce a two-storey detached dwelling to the appeal site with parking for three vehicles to the front.

5. The site is located within the California Character Area, a residential suburb on the east side of Ipswich characterised by an orderly streetscene formed of busy main roads with straight residential streets leading off from them, lined with late 19th century housing. This layout is interrupted by regular intersections, corner shops and various other focal points.
6. Directly to the front of the proposed dwelling would be a paved area, adjacent to three car parking spaces to serve both the proposed dwelling and the dwelling at 171 Britannia Road. This would create a large area of hardstanding fronting Newbury Road, with no soft landscaping proposed. Whilst the site currently forms part of the domestic rear garden environment in this area, there is a large boundary wall and fence abutting Newbury Road, enclosing the site. Therefore, any greenery and open space currently on the appeal site is not visible within the streetscene and makes little contribution to the character of the area outlined above.
7. Although the proposal would introduce built form to the site, its frontage along Newbury Road would be more open in appearance, with the removal of a large proportion of the existing fence. Furthermore, the proposed dwelling would not cover the full width of the plot, largely preserving views through to the rear gardens of the properties on Britannia Road which contribute to the open character. The proposed dwelling would sit comfortably within the plot, with ample space surrounding it, and would be set against the backdrop of other residential dwellings in the area. Therefore, it would not represent a cramped form of development in this residential suburban location.
8. Additionally, the proposed development would result in a row of parked cars along Newbury Road, contrary to other dwellings in this area where tandem parking appears to be more common. However, there is currently a significant amount of on-street parking along this road and, as such, the presence of three vehicles to the front of the proposed dwelling would not dominate the development or streetscene anymore than the existing parking provision.
9. Therefore, for the reasons above, the proposed development would not harm the character and appearance of the site or the surrounding area and would not conflict with Policies DM12(g), DM17(b) and DM22 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (the LP) 2022. The relevant sections of these policies collectively seek to ensure that proposals respect and promote the special character and local distinctiveness of Ipswich by reinforcing the visual appearance of the immediate streetscene, protecting the setting of existing buildings and the character and appearance of the area with car parking designed so as not to dominate the development or streetscene.

Living Conditions

10. The rear elevation of the proposed dwelling would face the rear garden of the property at 173 Britannia Road with a separating distance of between 3.2 metres and 4.3 metres. Policy DM18 of the LP requires a minimum distance of at least 9 metres from the rear elevation to the rear garden boundary to ensure privacy. The rear elevation of the proposed dwelling would have three first floor windows facing

the rear garden of No.173. However, these would all serve non-habitable rooms and could therefore be obscure glazed as detailed on the submitted plans. Therefore, whilst the proposal would not meet the separation distance required by Policy DM18, it would not result in a loss of privacy to the occupiers of this neighbouring property.

11. Furthermore, the neighbouring dwelling at No.173 benefits from a long rear garden. The proposed dwelling would be located towards the end of this garden and therefore, whilst in close proximity to the boundary, it would not result in a harmful sense of enclosure to the occupants of this property when using their rear garden.
12. It is noted that third party concerns were received in relation to the effect on the living conditions of the occupiers of 2 Newbury Road, particularly in relation to outlook and daylight. However, the proposed dwelling would be sufficiently separated from this neighbouring property to ensure that any such impacts would not be significant.
13. Therefore, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwellings and would comply with the aims of Policies DM18 and DM17(e) of the LP. The relevant sections of these policies seek to ensure that permission is only granted for development that does not result in an unacceptable loss of amenity to neighbouring residents having regard to privacy/overlooking and sense of enclosure.

Highway Safety

14. Newbury Road, which the proposed development would front, is a long straight residential road with high levels of on street car parking and traffic moving at relatively low speeds. The visibility splays from the proposed vehicle access from Newbury Road have been provided on the submitted plans. This demonstrates that 90 metre visibility splays can be achieved in both directions, 2.4 metres back from the edge of the metalled carriageway. For this reason, vehicles exiting the three car parking spaces provided as part of the proposed development onto Newbury Road would be able to do so in a safe manner.
15. As such, the proposed development would not result in harm to highway safety and would not conflict with Policy DM21 of the LP which seeks to ensure that new development does not result in an unacceptable impact on highway safety.

Other Matters

16. It has been highlighted within the Council's report that the appeal site is within close proximity to the Stour and Orwell Special Protection Area (SPA). The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of this SPA. The effects arising from the proposal need to be considered in combination with other development in the area, adopting a precautionary approach.
17. The development would result in an additional dwelling with a consequent increase in the number of local residents living within the Zone of Influence for this European Site. This would be likely to result in additional recreational activity in

these areas. Therefore, the proposed development is likely to have a significant effect on this European Site. As the competent authority, it is necessary for me to conduct an Appropriate Assessment (AA) in relation to the effect of the development on the integrity of the SPA identified.

18. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of a European site, such as that identified above. I may consider measures to secure mitigation with a view to ensuring that the proposal would not adversely affect the integrity of the SPA. The Suffolk Coast Recreational Disturbance and Mitigation Strategy (RAMS) provides strategic mitigation measures to address this impact, with financial contributions at a specified tariff per dwelling collected from new development to fund this mitigation.
19. A payment has been made to the Council by the appellant in relation to this contribution and therefore, given the evidence before me, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose. The contribution would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contribution towards the mitigation schemes would count as mitigation towards maintaining the integrity of the sites. I therefore find within my AA that, with the provided mitigation, the proposal would not have an adverse effect on the integrity of the European Site outlined above. The development would therefore comply with the Habitats Regulations.

Conditions

20. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. Furthermore, a condition requiring external facing materials to match those detailed on the application form has been included, to ensure an appropriate appearance for the development. I have also included a condition requiring the windows on the south facing elevation of the proposed dwelling to be obscure glazed to ensure that they do not result in a loss of privacy to the occupiers of neighbouring dwellings.
21. A condition relating to the provision of cycle and bin storage has not been included, as these details are within the submitted plans and therefore such a condition is not necessary. Furthermore, a condition removing permitted development rights has not been included as there is not clear justification to do so as required by Paragraph 55 of the National Planning Policy Framework. Lastly, a condition relating to the provision of electric vehicle charging is also not necessary as this is prescribed within building regulations.

Conclusion

22. For the reasons given above the appeal is allowed.

E Grierson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no 23/08/0040 Rev A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed within the application form.
- 4) The building hereby permitted shall not be occupied until the upper floor windows on the south facing elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.