



Appeal Decision

Site visit made on 15 January 2025

by John Felgate BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/X3540/W/24/3350645

Land to rear of 17 California, Woodbridge, Suffolk IP12 4DE

- 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 G Hudson against the decision of East Suffolk Council.
 - The application reference is DC/24/0948/FUL.
 - The development proposed is erection of a new single storey dwelling on land to the rear of the existing property..
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new single storey dwelling on land to the rear of 17 California, Woodbridge, Suffolk IP12 4DE, in accordance with the application Ref DC/24/0948/FUL, subject to the conditions in the attached schedule.

Preliminary matters

2. The Council's refusal reason No 3, relating to the potential effects of the proposed development on protected habitat sites, has been withdrawn. There is therefore no need for me to consider this issue further.

Main issues

3. In the Suffolk Coastal Local Plan (the SCLP), adopted in September 2020, the appeal site falls within the boundary of the designated market town of Woodbridge. Policy SCLP 5.7 states that infill and garden developments will be supported where various criteria are met. These include criteria a) – c), relating to scale and design, relationship to neighbouring properties, and impact on residential amenity. In particular, these require that proposals respect the character of the area and street scene, and relate well to adjacent properties. In the present case there is no dispute that the appeal proposal is one to which Policy SCLP 5.7 applies, nor that all other criteria are met.
4. In addition, Policy SCLP 11.1 supports high quality, locally distinctive designs which complement local character, respond to their context, and fit in with the neighbourhood's existing layout. Policy SCLP 11.2 also seeks to protect residential amenity, with particular regard to various specific types of impact, including any effects on outlook and in terms of noise and disturbance.
5. In the light of the submissions before me, I find that the main issues in the appeal are the development's effects on the character and appearance of the area, and on living conditions at adjoining properties.

Reasons for decision

Character and appearance

6. California is a residential street. The existing development dates mainly from the mid-20th century, and comprises a mixture of individual detached houses and bungalows, of varying styles and designs. No 17, the appeal property, is a modest single-storey dwelling on a deep, L-shaped plot, which extends some distance to the rear and also returns behind the adjoining property No 21 California. The appeal scheme proposes the addition of one new dwelling, sited on the rear part of the site, served by a new private driveway between Nos 17 and 21. The new dwelling would have a single-storey, and a highly individual, contemporary design, involving a series of interlinked, flat roofed elements.
7. With a few limited exceptions, most of the existing properties in California have a frontage to the street, with well-landscaped front gardens. Most also have quite long rear gardens. The resulting streetside environment is pleasant and varied, even if architecturally undistinguished. The appeal proposal would depart from this pattern, due to its recessed position and lack of direct street frontage, and also due to the shortening of No 17's rear garden.
8. However, given its low roofline and the screening effect of the existing frontage development, little would be seen of the new dwelling in any public views. Indeed the only vantage point of any significance would be from the short section of California which would be directly in line with the proposed new access drive. From that position, a small part of the new dwelling's front elevation would be glimpsed, at a distance of around 50m, but such views would be limited due to being channelled along the new driveway, between two fences. The only other change discernible from the public realm would be the formalisation of the driveway itself, replacing what is now a rough vehicular track, with a bound or paved surface and some form of boundary treatment. No existing buildings, features or landscaping would be lost. Realistically, it seems to me that the impact on the existing street scene resulting from these minor changes would be negligible.
9. The density of development in the area would be increased very slightly. But that would be expected in any infill situation, and indeed is a necessary consequence of utilising urban land more efficiently and effectively, as encouraged by the National Planning Policy Framework (the NPPF)¹. In this case both the new dwelling and the existing property would have more than adequate private garden areas, broadly consistent with the range of plot sizes elsewhere in the street. The increase in density would thus have no evident harmful effects.
10. In these circumstances, it also follows that the Council's stated concern about precedent is misplaced. Given that no harm to the area's character and appearance has been substantiated in relation to the appeal proposal, there seems no reason why any such harm should be likely to arise from any other future developments sharing similar characteristics. But in any event, each proposal must be considered on its own merits.
11. The Council has raised no objection to the proposed new dwelling's design, and I agree. To my mind, the design is notable for its innovative and bespoke approach,

¹ NPPF paragraphs 124, 125 and 129

and for its attention to the particular issues of the site and location. As such, the scheme seems to me an example of high quality design, which responds well to its context, and would have the potential to contribute positively to the area's architectural quality. This reinforces my view as to the development's acceptability in townscape terms.

12. On this issue therefore I find, for the reasons explained above, that the proposed development would respect and complement the area's character and appearance. In this regard the scheme would accord fully with the relevant provisions of Policies SCLP 5.7 and 11.1.

Living conditions at adjoining properties

13. The driveway to the new dwelling would run between Nos 17 and 21 California. Both of these existing properties have side windows at ground floor level, and the driveway would run within about 1-2m of these. However, it is not unusual for side windows to look onto a side road or accessway, and there is no evidence that such relationships are generally problematic.
14. In this case the windows in question do not appear to be main windows, and there is no evidence that they serve habitable rooms. In this type of situation, it seems to me that standard 1.8m-high close boarded fencing would be likely to be sufficient to screen the movement of most normal domestic vehicles. Provided the driveway was constructed of a suitable material, there is no reason why these vehicle movements should be unduly noisy. Although the submitted plans suggest gravel, there is no reason why a quieter material could not be secured by condition. Nor does it seem any reason to expect vehicular movements of this kind to cause any significant vibration. In any event, the number of trips generated by a single dwelling would be likely to be quite small.
15. The parking area for the new dwelling would be sited at the end of the driveway, and it is likely that this is where car doors would usually be opened and closed. But the parking area would be well away from the nearest existing properties, and significantly further than those dwellings are now from each other's parking areas, and from those of other neighbouring properties.
16. I note the findings of the inspector in the appeal decision relating to a site at Purdis Farm Lane, Ipswich², where it was held that the development of a new dwelling would cause harm to living conditions alongside the proposed access drive. However, in that case there was evidently some doubt as to whether screen fencing could lawfully be erected. In the present case I see no reason for doubt on his point, and indeed a reasonably solid fence already exists on the boundary with No 21. In any event, as already stated, I must consider the appeal on its own merits, having regard to the circumstances of this site and the particular development now proposed.
17. The Council also raises concerns regarding the effects on the outlook from the 'host' property, No 17. But the distance between the new dwelling and this existing property would far exceed any recognised standards. Given that the new building would be single storey, and on lower ground, I can see no basis for this concern. The upper parts of the development would be just visible, above the new boundary treatment, but in view of the separation distance, and the low height of

² Appeal Ref: APP/X3540/W/23/3331555

the new building, the effect on the outlook from the existing property would be minimal.

18. I conclude on this issue that the proposed development would have no significant adverse impact on living conditions at any existing property. In this regard the scheme would again comply with the relevant provisions of Policies SCLP 5.7 and 11.2.

Conclusion

19. For the reasons explained above, I have found that the proposed development would have no significant adverse effects either on the area's character and appearance, or on living conditions at any neighbouring properties. It follows that the scheme would comply with all of the most relevant development plan policies, including SCLP Policies 5.7, 11.1 and 11.2. No other material considerations have been identified which weigh against granting approval. The appeal is therefore allowed.

Conditions

20. The Council has suggested a number of conditions, and I have considered these against the tests in NPPF paragraph 57. I agree that the majority meet the tests in principle, but in granting permission I have edited the suggested conditions in the interests of clarity, conciseness and enforceability.
21. A condition requiring adherence to the approved plans is necessary for the purposes of ensuring certainty as to the approved details. A requirement for the protection of the existing boundary trees is needed to safeguard the local environment. A Construction Management Plan is needed to protect nearby occupiers during construction.
22. Requirements relating to the provision of the proposed access, driveway and parking area are necessary in the interests of highway safety. However, the condition cannot require adherence to a Highway Authority standard detail which is not before me. In any event, it is sufficient for the condition to require further details to be submitted and approved.
23. A condition relating to surface water drainage is necessary to avoid any risk of flooding, including flooding of the highway drains. Provision for the storage and collection of household waste is necessary to protect local amenity. A condition relating to the possibility of contamination is needed to protect the health of future occupiers.
24. Conditions relating to landscaping seem to me unnecessary, as the areas potentially available for planting are largely hidden from public views. In so far as the surfacing of the access and driveway would involve hard landscaping, this can be controlled by means of the separate condition that I have imposed relating to these areas.
25. The conditions that I have imposed are set out in the attached schedule.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) Except where otherwise specified in these conditions, the development shall be carried out in accordance with the approved plans, numbered PW1 386 PL02 and PW1 386 PL03.
- 3) No development shall take place until measures for the protection of the existing trees on and adjacent to the site have been installed, in accordance with a Tree Protection Plan (TPP) which shall have been submitted to the local planning authority and approved in writing. The TPP shall provide for the protection of all the trees identified on the tree survey plan numbered 10815-D-AIA, by means of protective fencing and ground protection where necessary. These protective measures shall be retained throughout the construction period, and shall be kept in place until the development has been completed and all equipment, machinery and materials have been removed from the site.
- 4) No development shall take place until a Construction Management Plan (CMP) has been submitted to the local planning authority and approved in writing. The CMP shall include details of the provisions to be made for:
 - deliveries of construction materials;
 - the parking of contractors' vehicles;
 - measures to minimise the amount of soil and mud deposited on the highway;
 - and the hours of construction work.Thereafter, the development shall be carried out in accordance with the approved CMP.
- 5) The development shall not be occupied until the proposed vehicular access, driveway and parking area have been constructed and surfaced, in accordance with further details to be submitted to the local planning authority and approved in writing. Notwithstanding the plans already submitted, the further details to be provided shall include provision for these vehicular areas to be surfaced in a bound material for at least the first 5 metres from the highway, and thereafter in a suitable material to avoid unnecessary levels of noise. After completion, the access, driveway and parking area shall be retained in their approved form, for the life of the development.
- 6) The development shall not be occupied until a scheme for the disposal of surface water has been implemented, in accordance with further details to be submitted to the local planning authority and approved in writing. The scheme shall include provision to ensure that surface water is prevented from draining onto the highway. Thereafter, the surface water drainage infrastructure shall be retained as installed, for the life of the development.
- 7) The development shall not be occupied until provision has been made for the storage of refuse and recycling bins, and for the presentation of such bins on

collection days, in accordance with a scheme to be submitted to the local planning authority and approved in writing. Thereafter, the approved provisions for refuse and recycling shall be retained, and the scheme adhered to, for the life of the development.

- 8) If, during the course of carrying out the development, any soil contamination is found to be present at the site, then all works shall stop, and no further works shall be carried out, until a contamination treatment method statement has been submitted to the local planning authority and approved in writing. The method statement shall set out in detail how the identified contamination is to be either removed or rendered harmless, and the site made safe for residential occupation. Thereafter, development shall proceed only in accordance with the measures and procedures specified in the method statement, and no dwelling shall be occupied until a verification report to that effect has been submitted to the local planning authority and approved in writing.