



Appeal Decision

Site visit made on 7 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2025

Appeal Ref: APP/R3515/W/24/3348385

1 Halifax Road, Ipswich, Suffolk IP2 8RE

- 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 Damian Joy against the decision of Ipswich Borough Council.
 - The application Ref is IP/24/00307/FUL.
 - The development proposed is segregation of garden land and erection of 1no dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

Main Issues

3. The main issues are:
 - the effect of noise on the living conditions of future occupiers of the proposed dwelling and the ongoing use of the existing Church; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Noise

4. The appeal site lies between a church and terraced dwellings. Although there are dwellings in proximity to the church, including those on Mildenhall Green, this dwelling would be particularly close. The elevation to which it would be closest has a number of windows along it which would be likely to allow for sound to escape.
5. There is only limited evidence before me of the activities that take place in the church, how its space is used and the noise that is generated. None of this includes a noise survey or details of any other controls over how the church is likely to be used.
6. Paragraph 200 of the Framework confirms that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. There is no robust evidence before me as to the noise

that arises from the Church, or any mitigation proposed for the dwelling. I therefore cannot be certain that the proposal could be integrated with the existing Church. It is not sufficient to rely on the assumption that future occupiers would be aware of and at least accept the activities of the church, or that there have been no concerns in the past.

7. The proposal therefore would not have an acceptable effect with respect to noise on the living conditions of future occupiers of the proposed dwelling and the ongoing use of the existing Church. It would therefore be contrary to Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (March 2022) (LP) Policies DM17 and DM18 which require small scale infill development to not be disturbed by or disturb other land uses, provide a suitable level of amenity for future occupiers including with respect to noise.

Character and Appearance

8. The site lies within an area of mid-20th century housing characterised by predominantly terraced and semi-detached houses. It has a largely structured layout and a spacious appearance derived primarily from the verges and front gardens.
9. Spaces between dwellings form part of the structured layout and character of the area. However, their form varies. The appeal site has a fence along this space. Opposite the appeal site provides for access to garages and rear gardens. Other properties have a range of built forms in these spaces. The openness of these spaces is therefore not a key component in defining the character and appearance of the area.
10. Furthermore, the site lies adjacent to the Church, which is visually distinctive due to its different scale and design features from the surrounding dwellings. Notwithstanding, it is not sufficiently distinctive that there is a particular benefit to the street scene from the southern elevation being open to view. The Church Hall to the rear of the site is visually interesting as a result of its distinct clerestory roof. However due to its position to the rear of the site, it does not make a strong contribution to the street scene. Furthermore, it can be glimpsed in other locations in the area.
11. The site is in proximity to the junction of Halifax Road and Prince of Wales Drive and the open space opposite. There is also a small set of commercial properties on Maidenhall Green. However, the site does not provide a strong gateway to this area, or otherwise enhance its distinctive features. The wider surrounds of the site are overall somewhat atypical of the area, and the loss of the gap would not have a harmful effect on the character and appearance of the area.
12. There is a generally consistent distance from the footpath to the front elevation of the dwellings which follows the curve in the road. The proposal would be set on a slight angle to continue this pattern. The height of the dwelling would be consistent with the neighbouring property. While there would be an element of incongruity arising from the insertion of a detached dwelling in an area characterised by semi-detached and terraced dwellings, this would be of limited harm given the proximity of the site to other forms of development. Car parking is proposed to the front of the dwelling, however at the time of my site visit, I observed car parking for the

existing dwelling to the front of the property. The additional spaces proposed by the development would not be materially more harmful than the existing situation.

13. The proposed development would therefore not have an adverse effect on the character and appearance of the area. It would be in accordance with LP Policies DM12 and DM17 as it would respect the local distinctiveness of Ipswich and protect the character and appearance of the area.

Other Matters

14. There would be an undoubted benefit from the delivery of an additional dwelling, particularly within one within the existing built up area of Ipswich. Residents would have ready access to the existing services and facilities and would be able to access these by means other than the private car. There would be economic benefits arising during the construction and occupation stages of the development. Given the proximity of the site to the facilities on Maidenhall Green, it is reasonable to assume they would benefit. I attach limited weight to these as the proposal is for a single dwelling.
15. The officer report attaches weight to the proposal as a self-build or custom dwelling, particularly in light of an identified shortfall in suitable permissions. However, there is no mechanism before me which would secure the proposed dwelling as such. I therefore attach only very limited weight to this.
16. The appeal site is within the zone of influence for the Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy, where habitats sites are subject to pressures from recreational disturbance. The appellant has paid a contribution towards mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the European sites and if any mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the European sites, with or without any mitigation, would be at best a neutral matter.
17. There is no evidence before me that the site was allocated in any development plan. The price paid for land is a private matter for the landowner.

Planning Balance and Conclusion

18. Following the publication of the Framework, the Council has confirmed it cannot demonstrate a five year supply of deliverable housing land. Consequently, paragraph 11d)ii of the Framework is engaged. This sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having regard to key policies.
19. The proposal would direct development to a sustainable location and, in principle, would make an effective use of land. There would be an undoubted benefit from the delivery of an additional dwelling in a location which could contribute towards the supply of self-build homes. There would also be economic benefits arising during the construction and occupation stages of the development.
20. Against these benefits are the adverse impacts that I have identified in respect of the effects of noise on both the occupiers of the proposed dwelling and the

continued operation of the Church. These bring the proposal into conflict with paragraph 200 of the Framework and also paragraph 135 insofar as it requires development to provide a high standard of amenity for users. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

21. The appeal proposal conflicts with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR