
Appeal Decision

Site visit made on 20 January 2025

by **Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th February 2025

Appeal Ref: APP/R3515/W/24/3343967

Christchurch Cottage Bridle Way, Ipswich, Suffolk IP3 8JJ

- 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 Tony Cox against the decision of Ipswich Borough Council.
 - The application Ref is 23/00416/FUL.
 - The development proposed is Modifications to design of dwellinghouse as approved under reference IP/19/00407/FUL (following demolition of existing dwellinghouse and erection of new-build dwellinghouse).
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Decision

1. The appeal is dismissed

Preliminary Matters and background

2. Since the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
3. The site is located within the Central Conservation Area (CA) and within the setting of 20 Fonnereau Road, a Grade II building (Ref 1247680) as well as within the setting of the Christchurch Park, a Grade II registered park and garden. Therefore, I have had special regard to section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
4. The appeal dwelling is a new-build that replaced a former dwelling on the plot. The proposal has been approved planning permission under application 19/00407/FUL on 17 October 2019. The dwelling appears to be substantially complete.
5. Although I am not party to the precise circumstances of the planning approval, I am aware that this permission was approved and included plan reference numbers in Condition 1. Therefore plan reference 18-094 E1 Rev E and E2 Rev E illustrating a full width western facing glazed walk-out balcony was approved by the Council. Planning permission was also approved subject to a number of conditions relating to the submission of materials, privacy screens, obscure glazing details, landscaping treatment, amongst other necessary conditions. A number of these conditions have been formally discharged by the Council.
6. Condition 10 relates to privacy screens. I read from its wording '*Prior to the first occupation of the dwelling hereby approved, details of the screens to the balcony and roof balcony are to be submitted to and approved in writing by the Local Planning Authority . The approved screens are to be installed prior to first occupation of the hereby approved dwelling and retained in perpetuity.*'

7. From the submitted details before me, this consists of a 'Louvred Fence Panel from the Garden Trellis company'. The detail was approved by the Council in their letter of 14 September 2020 and this is material in my considerations. From my inspection on site, the panel has been erected to the southern end of the western facing balcony.
8. With regards to the installation of this balcony, it varies from the approved plans as the glazed balustrade has been replaced by metal railings that have been installed. The Council do not object to this design change and based on my own findings, I have no reason to form a different view.
9. I note from the evidence before me that there are several other differences between this proposal and the earlier approved scheme. The Council clarify that some differences including the non-enclosure of the external spiral staircase, some materials change, internal alterations, loss of chimney stack to roof level, introduction of photovoltaics, as well as some other minor modifications have been considered to be acceptable to the Council. Based on the Council's assessment of these things as well as my own consideration of the proposal before me with regards to these particular areas, I concur with the Council.
10. The parties are however in contention relating to the changes to the cut-out roof balconies pertaining to the replacement of louvre privacy screen panels and the insertion of different privacy screens, as demonstrated on the submitted plans before me. One such panel has been erected on the east side of the roof slope. Irrespective of the details I have been presented with, the plans before me illustrate a different form of privacy screen. Therefore, I will base my assessment against what is before me.
11. A clear deviation away from the approved plans illustrate a pair of French doors to the gable end of the dwelling in place of the previously approved arched window, and this was in situ at the time of my visit. These doors have been fitted with obscure glazing and a flush fitting glazed balustrade extends across its width.
12. Therefore, further to the above, the matters in contention between the parties that I shall focus on relates to the change to new French door and obscure glazing to the southern elevation, as well as the changes to the cut-out roof balconies

Main Issues

13. The main issues of the proposal are:

- Whether the proposal would preserve the character or appearance of the Central CA, the effect upon the registered park and garden and whether or not it would preserve the special interest of the Listed Building of 20 Fonnereau Road; and
- Whether or not the living conditions of adjacent occupants by way of overlooking and loss of privacy.

Reasons

Significance/special interest

14. This part of the CA is significant for its residential character of considerable townscape value, being in the main large and ornate mid-19th Century houses of

four or five storeys set in an elevated position behind tall Suffolk white brick walls, extolling a commanding presence. Individual houses vary markedly in appearance but the sense of continuity of material and common scale creates a unifying sense of place.

15. Number 20 Fonnereau Road is Grade II listed and shares group value with a number of other very fine dwellings along this northern side of Fonnereau Road. The LB is constructed from red and white brick, slate roof over with a symmetrical façade with three distinct bays. The rear elevation is also of a grand appearance and scale with double height curved bays framed in local brick and contrasting with the mellow red hues of the remainder of brickwork that provides significant cohesiveness to its overall design and materiality. Its special interest is drawn from its historic and architectural interest being that of an elaborate and well preserved mid-19th century dwelling of high social status at that time that is well preserved.
16. The gardens and pleasure grounds of the Christchurch Mansion have origins from the 12th century when the land was occupied by an Augustinian Priory until it was dissolved and privately purchased. Thereafter it was extensively remodelled although the Mansion House has its own private gardens away from the public spaces. It has a parkland character in part of open areas of rolling grassland and fine specimen trees. Upper and lower arboretums, tree-lined avenues, bridal way, kitchen garden and dramatic topography creates a diverse and interesting leafy and important contribution to the local area as well as to the CA.

Effect of Proposal

17. Christchurch Cottage is a modern dwelling although it respects the use of materials experienced locally within the CA and has contemporary influences arising from, amongst other things, its fenestration. A Crittall style French door to the southern end replaces an arched window with a flush fitting glazed balustrade. The glazing to the door is obscurely glazed. I find no objections to the installation of a Crittall style door in this location or to the use of obscure glazing that has been installed as it appears as an acceptable component of the door. Overall it would appear fitting to the character of the building and to the wider character and appearance of the CA. It would have a neutral effect upon the character and appearance of the CA which would be thus preserved.
18. Roof balcony cut outs from the roof overhang on the eastern and western sides of the dwelling is enclosed by metal balustrades. The original approved plan illustrate a different style of privacy screen to both sides of the roof. This has been replaced by a panel privacy screen projecting from the roof slope. I could see firsthand the impact on the appearance of this to the host building as well as to the surrounding area as one was installed on the eastern elevation
19. It is triangular in profile and large and solid material. Given its perpendicular projection from the roof, and although it is black in colour, it forms an irregular feature to the otherwise traditional roof plane. The roof formation is a typical pitched roof and apart from the photovoltaics and rooflights, the roof is relatively void of clutter. These intrusive features do not resemble the appearance of a dormer window or chimney due to their design. They would not respect the design characteristics of the main dwelling or any distinctive features I could see within close quarters of the appeal site.

20. The surroundings in which a heritage asset is experienced and is not fixed and may change as the asset and its surroundings evolve. The dwelling is clearly visible from public views within Christchurch Park as well as in private views from residential dwellings within the CA. Its sits on the edge of the park in an elevated position and the lack of high landscaping around the perimeter of the grounds at this point, allows the dwelling to appear very exposed in both close and wider range public views. These are significant views in my view. The metal balustrades are visible. However, the installation of two protruding metal privacy screens in the locations proposed would detrimentally alter roof profile appearing out of character and incongruous. The effect on local character and distinctiveness would be eroded to some degree and the CA would not be preserved or enhanced in accordance with the Act.
21. The appeal site is within the setting of the LB. There is some reasonable separation between the LB and the proposed privacy screens. However, they would be visible from the rear of the LB. In my assessment, I consider they would have a neutral effect upon the LB and its special interest would be preserved.
22. Nevertheless, all things considered, this part of the proposal would result in an adverse effect upon the host building and harm the setting of the registered park and adversely affect the character and appearance of the CA which would not be preserved or enhance in accordance with the Act.

Public benefits and balance

23. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset (including its setting), great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
24. Given the scope of the works and development proposed, I find the harm to be less than substantial in this instance. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm to the significance of the heritage asset should be weighed against the public benefits of the proposal, including where appropriate, securing its optimal viable use. There are no public benefits cited by the appellant as these would be associated with their own private ability to view the park. It is currently in use as a residential dwelling and there is nothing before me to indicate by not allowing this appeal would compromise its optimum viable use.
25. Therefore, to conclude on this main issue, the proposal would not accord with policy DM12 of the Ipswich Core Strategy and DPD Review 2022 that seeks to safeguard heritage assets and the same objectives of the National Planning Policy Framework.

Living conditions

26. I was able to undertake an inspection from the properties of both 20 and 22 Fonnereau Road. There are a number of windows serving habitable rooms to the rear of these properties and the rear gardens meet the boundary of the appeal site. The walk-out balcony and timber screen has been approved and therefore the effect of overlooking and loss of privacy is not within my sphere of influence.

27. With regards to the French door, I consider the obscure glazing that has been installed effectively prevents overlooking and a loss of privacy to the rear elevations and gardens of 20 and 22 Fonnereau Road. I noticed that the outlook was further obscured by the position of the ivy trees in front of the door that also prevented severe overlooking.
28. In terms of the replacement privacy screens to the cut-out balconies, as I have found harm to their visual appearance, it is not required of me to comment on whether or not they are necessary to protect the adjacent occupants from overlooking and a loss of privacy.
29. To conclude on this main issue, I have considered the effect of the proposal on the living conditions of the local residents and find that their living conditions would be safeguarded in accordance with policies DM17 and DM18 of the Ipswich Core Strategy and DPD Review 2022.

Other Matters

30. Although there may be no adverse impact of the proposal upon RAMS, highway safety and environmental health matters for example, these are all neutral in the overall scheme of things and neither weighs for or against the proposal.
31. The appellant is frustrated with the Council's determination of the proposal and their experience of the service. This is not within my remit to comment upon and should be directed to the Council in the first instance.

Balance and Conclusion

32. I have found no harm to the living conditions of the adjacent occupants by way of the installation of the French door with obscure glazing. I have however not concluded favourably in respect of the privacy screens and its effect upon heritage assets, and therefore the appeal must fail.
33. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR