



Appeal Decision

Site visit made on 27 March 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/R3515/W/24/3345916

93 Spring Road, Ipswich IP4 5NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bates against the decision of Ipswich Borough Council.
 - The application Ref is IP/22/00032/OUT.
 - The development proposed is a residential development and associated works.
-

Decision

1. The appeal is allowed, and outline planning permission is granted for a residential development and associated works at 93 Spring Road, Ipswich IP4 5NP in accordance with the terms of the application, Ref IP/22/00032/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought but with access, layout and scale included for consideration at this stage. The matters of appearance and landscaping are reserved for future consideration.
3. The application is accompanied by a plan entitled Site Layout Plan & Front Elevation as Proposed, referenced 2170.01C. Given that the matters of appearance and landscaping are reserved, I have treated the appearance of the proposed development and the references to external materials on that plan as indicative only. Similarly, I have also treated the plan's identification of the provision and protection of gardens and landscape features, and of means of enclosure, as indicative. Conversely, I have treated the plan's depiction of the access and layout arrangements, and of the scale of the dwelling, as definitive proposals.

Main Issues

4. The main issues are:
 - the effects of the proposed development upon the character and appearance of the area; and
 - the effects of the proposed development upon the integrity of European Sites.

Reasons

Character and appearance

5. The appeal site is located within a part of Ipswich identified as the Ipswich Parks character area. Ipswich Parks is an area of 19th and early 20th century suburbs on the north and east sides of Ipswich. Overall, this area exhibits an attractive residential setting, and its verdant character, which stems from the likes of the area's parkland, gardens and woodland slopes, is a key part of this.
6. Cauldwell Hall is one of the appeal site's neighbouring properties. It is a large and traditionally designed property which was historically served by a wider estate which the appeal site once formed a part of. Cauldwell Hall adopts an elevated position atop of wooded slopes which ascend from Spring Road. Being so reflective of the attractive residential development and verdant nature of Ipswich Parks, Cauldwell Hall, and its leafy setting, contribute positively to the character and appearance of Ipswich Parks.
7. The proposed dwelling would be sited within the garden beside 93 Spring Road (No 93) and positioned in an area at the foot of the sloping land which descends to Spring Road. The dwelling would be erected on what is currently, in the main, relatively flat lawn. Consequently, the proposed development would not result in significant remodelling of the sloping land around Cauldwell Hall nor significant tree loss.
8. However, due to the proposed dwelling's size and siting, in views from Spring Road, the proposal would conceal parts of the mature trees and the sloping land in the foreground to Cauldwell Hall. In some of these views the proposed dwelling would also obscure parts of Cauldwell Hall itself. This scale of built development set against the backdrop of Cauldwell Hall and its wooded hillside setting would be intrusive and unsympathetic. Since Cauldwell Hall and its setting are positive local facets, that the proposed development would result in them becoming less appreciable would be harmful to the character and appearance of the area.
9. Furthermore, to the front of No 93, and properties adjacent to it, there is a wide grass verge containing some small trees. It adds to the verdant character of the area, albeit modestly. Upon completion of the proposal, the grass verge would be traversed by the access driveway to serve the dwelling. The provision of this hard-surfaced drive would be at odds with, and unsympathetic to, the expanse of grassy and treed verge.
10. For the reasons I have given, the proposed development would result in harmful effects upon the character and appearance of the area. Consequently, the proposal conflicts with Policies DM12 and DM17 of the Ipswich Local Plan Core Strategy and Policies Development Plan Document Review (the LP). In summary, and amongst other matters, these Policies require developments to be well-designed and to respect and promote the local distinctiveness of Ipswich. They also require the setting of existing buildings and the character and appearance of the area to be protected. The proposed development would also conflict with content within the National Planning Policy Framework (the Framework) which seeks to ensure well-designed places, that requires developments to add to the overall quality of the area and which seek to ensure that developments are sympathetic to local character.

European Sites

11. The coast, heaths and estuaries of Suffolk are internationally recognised wildlife assets and include sites statutorily defined as European Sites, or those which are attributed the same level of protection, under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This includes the Stour and Orwell Estuaries Special Protection Area (SPA) and Stour and Orwell Estuaries Ramsar Site (the Ramsar Site).
12. The qualifying features of the SPA are its breeding population of Avocet, wintering populations of Dark-bellied brent goose, Pintail, Grey plover, Knot, Dunlin and Black-tailed godwit, and autumn passage and wintering Redshank. The site also supports important assemblages of other wintering birds. The Ramsar Site is also designated for its bird species occurring at levels of international importance and its wintering waterfowl assemblage. The qualifying features of the Ramsar Site also include its nationally scarce plants and its British Red Data Book invertebrates. The scarce plants are its stiff saltmarsh-grass, small cord-grass, perennial glasswort, lax-flowered sea lavender and its eelgrasses, and the invertebrates are the muscid fly, the horsefly, its spiders, (*Arctosa fulvolineata* and *Baryphema duffeyi*) and the endangered swollen spire snail.
13. The SPA's conservation objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the aims of the Wild Birds Directive. This is to be achieved through the maintenance and restoration of the population and distribution of its qualifying features and their habitats.
14. Recreational activities undertaken by residents and visitors to Suffolk's coast, to the SPA and Ramsar Site, or its vicinity, can disturb and harm the habitats and species for which these areas are designated. The proposed development would deliver a single additional dwelling and would contribute to the recreational activities and consequential effects. This contribution would be limited by itself, however, in combination with other development in the area, it is likely to have significant effects on the SPA and the Ramsar Site and, consequently, adversely affect the integrity of the sites. As such, the Habitats Regulations require that an Appropriate Assessment is carried out.
15. The Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy (the RAMS) provides a strategic approach to ensure the implementation of mitigation measures the purpose of which is to prevent such adverse effects. Under the RAMS, financial contributions are obtained from qualifying development proposals which are then utilised towards the delivery of the mitigation and avoidance measures. Natural England have provided me with comments. Natural England set out its view that the RAMS is an appropriate way to avoid and mitigate the effects of recreational activity upon European Sites. They further set out that they are content that, should a financial contribution towards these measures be secured, the proposed development would not have an adverse effect on the European Sites within the appeal site's zone of influence.
16. In this case the appellant has already paid the Council £121.89. This was made under Section 111 of the Local Government Act 1972 and the figure aligns with the requirements set out within the Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning

Document. Amongst other relevant submissions made, I note that the Council have relayed to me some of the measures and requirements in place to ensure the transparency of the Council in relation to its use of the payment received.

17. Given all that is before me, I am satisfied that the Section 111 contribution would be utilised towards the RAMS mitigation measures and, in turn, that the effects of any recreational activities which would emerge from the proposed development would not have an adverse effect upon the integrity of the SPA or the Ramsar Site.
18. The proposed development would therefore comply with Policy DM8 of the LP which, amongst other matters, seeks to ensure that financial contributions are secured from relevant developments in order to mitigate or avoid adverse effects upon European Sites.

Other Matters

19. Public representations before me refer to some drainage issues and that vehicles park on the grass verge beside Spring Road. However, I have no substantive evidence that the proposed development would contribute to any drainage problems in the area nor result in any inconsiderate parking. Wildlife may be in the area, but I have no substantive evidence that the proposed development would disturb or cause any harm to them. At the reserved matters stage, landscaping can deliver biodiversity enhancements.
20. The Council accepts that it cannot demonstrate a deliverable 5 year supply of housing land as required by the Framework. I discuss the implications of this further below.

Planning Balance

21. Although the proposed development would comply with some policies of the LP, in my first main issue, I have identified conflict with Policies DM12 and DM17 and, overall, I find that the proposal would conflict with the development plan taken as a whole. That said, although the extent of the harm to the character and appearance of the area is sufficient to bring about this development plan policy conflict, the magnitude of the harm is not significant and, consequently, I attribute a moderate amount of weight to this conflict.
22. As the Council cannot demonstrate a deliverable 5 year supply of housing land, paragraph 11 d) of the Framework applies. The application of paragraph 11 d) firstly requires me to consider whether the application of policies within the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. In my second main issue, my Appropriate Assessment has concluded that the proposal would not adversely affect the integrity of the European Sites. No other protected areas or assets of particular importance are relevant in this case. Consequently, the application of those policies within the Framework that protect areas or assets of particular importance does not provide a strong reason for refusing the development proposed.
23. Secondly, paragraph 11 d) requires me to consider whether the adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits when assessed against the Framework's policies as a whole.

24. The evidence I have before me indicates that the Council can demonstrate only 3.04 years' worth of housing supply. Therefore, the shortfall is significant, and the need for housing is pressing. The proposed development would boost housing supply. It would provide a choice of homes in the area and, as a development of only a single dwelling, there is the potential for the dwelling to be delivered quickly too. The contribution to housing supply in this case would only be very modest but, having regard to the supply position, it would, nevertheless, be very valuable. In the circumstances I attribute, at the least, a moderate amount of weight to it as a benefit.
25. Biodiversity enhancements can be delivered through the proposal. This would constitute a further modest benefit.
26. In finding that the proposed development would harm the character and appearance of the area, the proposal would conflict with those policies of the Framework which seek to ensure well-designed places, which require developments to add to the overall quality of the area and which seek to ensure that developments are sympathetic to local character. However, only a moderate level of harm would arise.
27. Given this level of harm to the character and appearance of the area, the adverse impacts of granting planning permission in this case would not significantly and demonstrably outweigh the benefits which would principally stem from the proposal's contribution to housing supply. Therefore, the proposal benefits from the presumption in favour of sustainable development. This is a material consideration of significant weight, so much so, that it leads me to conclude that planning permission should be granted despite the conflict with the development plan.

Conditions

28. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in the light of the tests for the imposition of conditions set out within the Framework and the content of the Planning Practice Guidance (the PPG). Having regard to the Framework and the PPG, and in the interests of clarity or precision, I have made some amendments to the Council's suggestions, and this includes the omission of some tailpiece elements as there are more appropriate and formal methods of dealing with variations to conditions.
29. I have imposed standard outline planning permission conditions in respect of the submission of the reserved matters and time limitation (conditions 1, 2 and 3). Condition 4 is necessary to define that only a single dwelling is permitted, and to ensure that the development is carried out in accordance with the plans submitted at this stage in the interests of certainty.
30. Conditions 5 and 6 are necessary to ensure that the effects of the construction phase on the living conditions of neighbouring occupiers, and upon highway safety, would be acceptable. Conditions 7, 8, 9, 10 and 13 are each necessary to ensure that essential infrastructure to serve the development in the interests of highway safety, the promotion of sustainable transport modes and living conditions are provided. LP Policy DM1 requires all new residential development to achieve certain CO2 emission reduction targets and water efficiency standards. So that the development complies with the development plan in this regard I have imposed conditions 11 and 12.

31. The statutory biodiversity net gain framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) does not apply to the proposed development. Nevertheless, weight can still be applied to development plan policies which relate to biodiversity gain which are consistent with that framework. Policy DM8 of the LP seeks to ensure that development proposals provide biodiversity gains. Therefore, I have imposed condition 14 which requires the reserved matters to be accompanied by ecological enhancement measures.
32. The Council suggested a condition requiring that the proposed access be served by visibility splays with an X dimension of 2.4 metres and a Y dimension of 90 metres. East of the appeal site there is a retaining wall and mature landscape features which would fall within the visibility splay. The appellant exerts no control over these features. Therefore, the Council has now submitted that the visibility splays suggested in its condition could not be fully achieved.
33. In order for a driver egressing the proposed driveway to obtain clearer and safe views of traffic to the east they would be likely to be required to 'nose-out' onto the footpath between the driveway and the road. That said, the footpath is of quite considerable width and visibility of the section of the footpath to the immediate east of the driveway is good. Therefore, on egressing the site, the driver would safely be able to ascertain any footpath users approaching them, similarly any footpath users would sight the vehicle, and those users would be safe. To the west, there are no such wall or landscape hindrances, and visibility is good.
34. Overall, although there are features interfering with a standard dimension eastern visibility splay, I am satisfied that egress off the proposed driveway could, regardless, be undertaken in a manner which would not be prejudicial to the safety of highway users. As the suggested visibility splay condition could not be fully complied with it, it would not constitute a reasonable condition. However, without its imposition the access arrangements would remain acceptable for the reasons I have given and comply with Policies DM17 and DM21 of the LP in these regards. Consequently, the condition is not within my schedule.
35. With matters of appearance and landscaping reserved, the future reserved matters stage provides sufficient control over general landscaping design and external material use within the development. Therefore, I have imposed no conditions at this outline stage which exert control over these matters.
36. I am mindful that Part S of the Building Regulations now governs the installation of electric vehicle charging points in new housing developments and so I have not imposed the Council's suggested condition on this matter.

Conclusion

37. For the reasons I have set out, the proposed development would conflict with the development plan as a whole, however, the material considerations in this case indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping, "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be limited to no more than a single dwelling and shall be carried out in accordance with the following drawings:

Site Location Plan
2170.01C

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) details of the parking, and any turning facilities, of vehicles of site personnel, operatives and visitors;
 - ii) details of the loading and unloading of plant and materials;
 - iii) details of the storage of plant and materials used in constructing the development;
 - iv) details of boundary hoardings/means of enclosures
 - v) details of site lighting;
 - vi) measures to control the emission of dust and dirt during construction and to prevent mud from vehicles leaving the site;
 - vii) confirmation of the delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No other development shall take place, until a vehicular access to serve the site has been completed in accordance with the local highway authority requirements drawing DM03, inclusive of an entrance width of the access of 3 metres measured from the nearside edge of the carriageway.
- 7) The dwelling hereby approved shall not be occupied until the driveway, parking and turning driveway areas, as shown on drawing 2170.01C, have been completed. Thereafter, the driveway, parking and turning driveway areas shall be retained for those purposes.
- 8) The dwelling hereby approved shall not be occupied until cycle parking for 2 cycles has been provided for within the garage. Thereafter, the cycle parking shall be retained for that purpose.

- 9) The dwelling hereby approved shall not be occupied until the bin standing and bin presentation areas, as shown on drawing 2170.01C, have been completed. Thereafter, the bin standing and bin presentation areas shall be retained for those purposes.
- 10) The dwelling hereby approved shall not be occupied until the vehicular access has been completed, inclusive of a bound surface for a minimum distance of 5 metres measured from the nearside edge of the carriageway, in accordance with details that shall have first been submitted to, and approved in writing by, the local planning authority.
- 11) The dwelling hereby approved shall not be occupied until evidence or a certification of compliance has been submitted to, and approved by the local planning authority, which demonstrates or certifies that the development complies with the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day.
- 12) The dwelling hereby approved shall not be occupied until evidence or a certification of compliance has been submitted to, and approved by the local planning authority, which demonstrates or certifies that the development achieves a 19% improvement in the reduction of CO₂ emissions above the Target Emission Rate of the 2013 Edition of the 2010 Building Regulations (Part L).
- 13) The gradient of the vehicular access hereby approved shall not be steeper than 1 in 20 for the first 5 metres from the nearside edge of the highway.
- 14) The reserved matter of landscaping must be accompanied by measures to ensure the delivery of ecological enhancements. These measures shall include details of the design and layout of all boundary treatments and means of enclosures which shall be designed so as to incorporate gaps to enable the movement of animals.

End of Schedule