



Appeal Decision

Site visit made on 7 July 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th of July 2025

Appeal Ref: APP/R3515/W/25/3358380

The Railway Public House, 243 Foxhall Road, Ipswich, Suffolk IP3 8LG

- 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 Mario Santoro against the decision of Ipswich Borough Council.
- The application Ref is IP/24/00778/FUL.

The development proposed is described as '1. To the left side a two storey extension, this will house two new flats, one on the ground floor and one on the first floor. Also there will be a stair to the existing flat above the pub, and to the upstairs flat in the extension. The top flat will in the same footprint as the existing ground floor flats that will be demolished, the ground floor flat will extend out be 1.3m to accommodate the stair. 2. The front porch will be replaced by a wider more attractive porch with a ramp for disabled access 3. Ornate balustrades to be added to the facade and to the boundary next to the pavement. 4. The rear garage will be opened into a cart-lodge style with storage above, creating bin storage area and more parking. 5. The upstairs flat and function room will be two separate flats. 6. Old fire escape removed and put internally in the garage, creating secure access and room for bike parking. 7. Full renovation of the exterior with a white matching paint'

Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is not clear whether the appellant agreed to the change in the description of development set out in the Council's decision. Therefore, I have used the description contained within the application form in the heading above.

Main Issues

3. The main issues are:
 - the effect of the development on the integrity of European habitat sites; the Deben Estuary Ramsar site, the Deben Estuary Special Protection Area (SPA) and the Stour and Orwell Estuaries Ramsar;
 - the effect of the development on the locally listed appeal building and the character and appearance of the area; and
 - whether the development would provide adequate living conditions for future occupiers, with regard to the internal floor space, outdoor amenity space and air quality.

Reasons

European habitat sites

4. The appeal site lies within the 13km Zone of Influence of three European protected sites which provide habitat for important wildlife, including birds and plants.
5. Policy DM8 of the Core Strategy and Policies Development Plan Document Review 2022 (Plan Review) states that proposals which would have an adverse impact on European protected habitat sites will not be permitted, either alone or in combination unless imperative reasons of overriding public interest exist in accordance with the European Habitats Directive. Any development with the potential to impact the SPA or Ramsar sites will need to be supported by information to inform a Habitats Regulation Assessment (HRA), in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations).
6. Limited information is before me in respect of the effect of the development on the habitat sites to inform a HRA. However, the Council's strategic HRA found that the effects of new residential development from increased visitor numbers, when considered in-combination, would likely lead to significant adverse effects on the habitat sites.
7. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is a strategic approach and partnership to mitigate and avoid the impact of increased levels of recreational use on habitat sites. The Council's Supplementary Planning Document (SPD) of the same name, sets out that one means of mitigation is a tariff style financial contribution, payable per dwelling which is a measure embedded in Policy DM8 of the Plan Review. The RAMS sets out a package of mitigation including education, signage, wardens and rangers, car parking management, targeted dog walking measures as well as other site-specific projects and measures.
8. Whilst the appellant asserts that the effects of the development on the habitat sites can easily be dealt with by paying a financial contribution, I have not been made aware that this has happened. Moreover, no mechanism to secure this financial contribution has been presented. The evidence strongly points to this contribution being necessary. The absence of adequate mitigation brings the scheme into conflict with Policy DM8 of the Plan Review insofar as it seeks to safeguard European protected sites. The scheme also fails to address the requirement of the Habitats Regulations.

Local listing and character and appearance

9. The appeal site comprises The Railway Public House, a striking two-storey landmark building constructed in 1877, located on the corner of Foxhall Road and Caudwell Hall Road. Built in red brick with a slate roof concealed behind a parapet, its symmetrical facade is rendered and painted. Its prominent two storey canted bays frame the frontage and it features a cornice projection above the first-floor sliding sash windows, which runs across the entire frontage along with a string course projecting above the ground floor bay windows. Pilasters support the cornice and frame the entrance bays.
10. The building is a well-preserved hotel turned public house, illustrating the growth of the town in the 19th century and development around the railway station. It is a prominent building in the streetscape contrasting with more typical domestic scaled architecture in the area. As such, the appeal building is locally listed and a non-designated heritage asset (NDHA).

11. The site falls centrally within the California Character Area of the Ipswich Urban Characterisation Study 2015, Supplementary Planning Document (SPD). The analysis contained therein sets out a poor legibility in the area generally to signify the focus of community. However, it notes the appeal building is a natural focal space that lacks any sense of coherence and is dominated by traffic and traffic engineering.
12. Decorative balustrading is proposed to be added to the front façade of the building. From the plans provided, this would present as a chunky detail that would obscure the original parapet, part of the ground floor canted bays as well as the cornicing and the linear backboard above the enlarged porch which historically accommodated signage. The effect of this detail would be to overwhelm and erode the historic and architectural significance of the NDHA to the detriment of its important local landmark status.
13. Furthermore, given the prominence of the building which is visible from surrounding streets including Derby Road at the entrance to the railway station, this would form a visually confusing building within the street scene, making the evolution of the area more difficult to decipher. This would result in a demonstrably adverse effect on the character and appearance of the wider area.
14. I have considered whether a condition could be imposed to omit the balustrading element from the scheme. However, this element is clearly listed within the appellants description of development and as an integral part of the porch design this would not be appropriate.
15. The appellant asserts that the building has permitted development rights, without indicating what aspects of the scheme would benefit from any such fallback position. It is not within my remit of this appeal to determine whether elements of the scheme would require planning permission or not. However, based on the merits of the scheme, I find that it would cause harm for the reasons I have set out.
16. No detail is before me in respect of how the external areas of the appeal site would be subdivided and defined. However, imposing a condition would not be appropriate, as to do so would prejudice a proper assessment on the effects of these elements on the NDHA and the wider character and appearance of the area. Without this detail, I am not satisfied that the scheme can be subdivided appropriately without causing a harmful effect on the character and appearance of the area or indeed the host building.
17. Policy DM12 of the Plan Review expects well designed development. Amongst other things it requires proposals to respect and promote the special character and local distinctiveness of Ipswich by protecting and enhancing significant views that are considered to be important or worthy of protection, including those set out in the Ipswich Urban Character Studies as well as the setting of any heritage assets. Policy DM17 of the Plan Review also seeks to protect the setting of buildings and the character and appearance of the area. The protection of NDHA's is required by Policy DM13 of the Plan Review. This includes those buildings on the local list, and requires that in weighting the effect of the proposal on the significance of a NDHA, a balanced judgment will need to be applied having regard to the benefits of the proposal, the scale of harm or loss and the significance of the heritage asset. This aligns with the thrust of paragraph 216 of the National Planning Policy Framework (the Framework).

18. For the reasons above, the proposed development would have a harmful effect on the locally listed appeal building and the character and appearance of the area. It follows that I am not satisfied that the scheme accords with the development plan. The weighing of such harm will be considered further in the planning balance.

Living conditions (internal floor space)

19. Policy DM23 of the Plan Review expects all dwellings, and especially flats, to provide versatile and attractive living space that appeal to a wide audience to provide sustainable housing in changing market conditions. As such it requires developers to meet the Nationally Described Space Standards (NDSS) set out in the governments Technical Housing Standards 2015 document, unless demonstrated that it would not be viable to do so.
20. The NDSS sets out that a one-bedroom flat with a shower room, on one level should provide 37m² of gross internal floor area (GIA). The Council assert that the proposed one-bedroom flats contained within the side extension would fall below the required standard, measuring 25m² and 30m² respectively. The appellant does not dispute this.
21. The plans show the GIA in both flats are deficient of the minimum required space, with the ground floor flat substantially so. This will make placement of furniture difficult, particularly in the smaller flat and fails to offer a versatile and attractive living environment. No viability argument has been advanced. Therefore, I find that the development would not provide adequate internal floor space for future occupiers, in direct conflict with Policy DM23 of the Plan Review.

Living conditions (outdoor amenity space)

22. Anticipated provision of outdoor amenity space for residential development is set out in Policy DM7 of the Plan Review. For all apartments or upper floor maisonettes, an average of 25m² of private outdoor amenity space is expected. This should be safely accessible to occupants, designed to take advantage of light and provide a functional space, having regard to the mix of housing types to be provided.
23. The drawings before me do not convey the way in which any of the external area would be divided between the dwellings to form private outdoor space or otherwise. This is not a matter that can be left to a planning condition to resolve, as this would not enable a proper assessment against the above-mentioned policy expectations. From the limited information before me, I have concerns as to how satisfactory division could be achieved and what this would look like.
24. Consequently, I cannot be certain that the appeal scheme is capable of providing an adequate level of private outdoor amenity space, or indeed that adequate space would remain for the remaining commercial element. I therefore find conflict with Policy DM7 of the Plan Review in that the appeal scheme fails to demonstrate an adequate quantum and quality of outdoor space provision as required.

Living conditions (air quality)

25. Policy DM3 of the Plan Review expects the impacts of developments on air quality to be mitigated to ensure they do not negatively affect existing air quality levels in the borough. Amongst other things, it requires the submission of Air Quality Assessments (AQA) for proposals likely to expose residents to unacceptable

levels of air quality. The justification text for the policy explains there are five Air Quality Management Areas in the borough, albeit the site is not located within one.

26. The Council assert that as the site is located within 20 metres of Foxall Road, which has over 10,000 annual average daily traffic movements, the request for an AQA is fully justified as residents would be exposed to unacceptable levels of air pollution, especially as habitable room windows face towards the road. On site, I observed for myself that Foxhall Road and the adjacent junction are heavily trafficked.
27. Included within the appeal submission is an Exposure Assessment which seeks to screen small and medium sized schemes in respect of air quality exposure. This screening process is entwined in the Council's 'Low Emissions' Supplementary Planning Document (SPD) adopted 2021. Whilst not policy, it seeks to guide developers on when a AQA is necessary. As a helpful and recent SPD which builds on policy expectations, I place considerable weight on it.
28. Based on this completed form, an AQA is necessary to ascertain levels of exposure and the means of mitigation. Without it, I am unable to ascertain whether the development would provide adequate living conditions for future occupiers having regard to air quality. Therefore, this scheme does not meet with the expectations of Policies DM3 or DM17 of the Plan Review, which amongst other things, expect a suitable level of amenity for future occupiers.

Other Matters

29. The appellant asserts that the flats are designed for staff accommodation, a matter not previously forming part of their case. However, this would make no difference in respect of adequacy of living conditions; staff would still require a reasonable standard of internal living space, access to private outdoor space and acceptable air quality which I am not satisfied would be the case here.

Planning Balance and Conclusion

30. The Council confirm they are unable to demonstrate a five-year supply of deliverable housing sites (5YHLS) in accordance with the National Planning Policy Framework (the Framework). With just 3.46 years supply of housing, the level of shortfall is considerable.
31. An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework which relates to the presumption in favour of sustainable development. In this case it means granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed.
32. As the site would, in combination with other sites, likely have a significant adverse effect on a SPA and Ramsar sites, this provides a strong reason for refusal and the presumption in favour of sustainable development does not apply.
33. The scheme would provide for much needed housing within a highly sustainable location where occupants would be able to readily access local services and facilities. This weighs firmly in favour of the scheme.
34. However, as well as the strong reason for refusal in respect of the European habitat sites, demonstrable harm has also been found in respect of the effect of

the development on the locally listed building, the wider character and appearance of the area and with regard to the living conditions of future occupiers of the flats. As the level of harm is significant in every regard, this weighs heavily against the scheme.

35. Weighing the benefits of a scheme comprising a net gain of an important but relatively modest 3 dwellings, I find that the significant adverse effects clearly and demonstrably outweigh these. These matters bring the scheme into conflict with the development plan and the Framework when taken as a whole.
36. For these reasons the appeal should be dismissed.

C Walker

INSPECTOR