



Appeal Decisions

Hearing held on 4 November 2025

Site visit made on 4 November 2025

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 December 2025

Appeal A Ref: APP/R3515/C/25/3369267

Land at Christchurch Cottage, Bridle Way, Ipswich IP1 3JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Tony Cox against an enforcement notice issued by Ipswich Borough Council.
 - The notice was issued on 24 June 2025.
 - The breach of planning control as alleged in the notice is: without planning permission, the erection of a detached dwellinghouse on the Land.
 - The requirements of the notice are:
 - “5A.
 - a. The section of balcony including balustrade marked red shown on Photograph A1 and Photograph A2 attached hereto must be demolished / removed so that the remaining balcony is that shown hatched grey and marked ‘Roof Terrace’ on “Plan A1”.
 - b. A new privacy screen must be installed as shown red on Plan B1 attached hereto. The materials of the privacy screen must be FSC timber (close-boarded) painted grey. The height shall be a minimum of 1.8 metres.
 - c. The Juliet balcony marked red on Plan C1 and circled red on Plan C2 attached hereto must be installed. The door to the window marked blue on Plan C1 must open inwards not outwards.
 - d. The first-floor window marked red on Photograph D1 attached hereto must be permanently fixed shut. The external glass panel marked blue on Photograph D1 must be removed.
 - e. The roof features of a metal privacy screen and balustrade marked red on Photographs E1 and E2 attached hereto must be removed and be replaced by metal louvres as shown marked red on Plans E1 and E2. The louvres must run across the full length of the opening. The gaps between the louvres must be no more than 10cm.
 - 5B. Failure to undertake these works in full within the compliance period will require you to:-
 - A) Demolish the dwelling (known as Christchurch Cottage, Bridle Way, Ipswich IP1 3JJ) constructed on the Land; and
 - B) Remove all resultant materials and debris arising from the demolition of the dwelling on the Land. Before commencing the demolition operation, as Christchurch Cottage is within the Central Conservation Area, you are required to submit a planning application in advance, as the Local Planning Authority, Ipswich Borough Council, may want to apply conditions in respect of these works, to ensure there is no adverse impact upon amenity.”
 - The periods for compliance with the requirements are:
 - 5A: 6 months
 - 5B: 12 months
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Town and Country Planning Act 1990 (as amended) (“the Act”).
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Appeal B Ref: APP/R3515/W/25/3367875

Christchurch Cottage, Bridle Way, Ipswich, Suffolk IP1 3JJ

- 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 IP/24/00597/FUL.

- The development proposed was originally described as: Modifications to design of dwellinghouse as approved under reference IP/19/00407/FUL. Following demolition of existing dwellinghouse and erection of new-build dwelling.

Summary of decisions: Appeals A and B are dismissed and the enforcement notice is upheld.

Applications for costs

1. An application for costs was made by Mr Tony Cox against Ipswich Borough Council. That application is subject to a separate decision.

Preliminary Matters

2. The appellant obtained planning permission (IP/19/00407/FUL) (“the 2019 permission”) for the demolition of a dwelling and its replacement with a new dwelling. Despite being identified as approved plans by condition 1 of the planning permission, the elevational drawings conflict with the floorplans in relation to the extent of the first-floor balcony.
3. The appellant commenced the development generally following the approved elevational drawings (with other variations). But doing so meant the development was in conflict with the approved floorplans.
4. Following communication with the Council, the appellant submitted a retrospective planning application for modifications to the design of the approved dwellinghouse (23/00416/FUL) which was refused by the Council and dismissed at appeal (APP/R3515/W/24/3343967).
5. He then made a subsequent application (IP/24/00597/FUL) (“the application”), seeking to address concerns raised by the Council. That application was refused and is the subject of Appeal B.
6. The Council issued an enforcement notice in May 2025 on the basis that the development was carried out without planning permission. That initial notice, which required demolition of the dwelling, was later withdrawn. On 24 June 2025 a second enforcement notice was issued (“the Notice”), which included lesser steps which sought to remedy the injury to amenity, as an alternative to demolition. That Notice is the subject of Appeal A.
7. In relation to Appeal A, the appellant’s arguments include that the matters alleged in Section 3 of the Notice have not occurred. That is normally a matter for an appeal on ground (b). At the Hearing the appellant clarified that, although there was no dispute that the erection of a detached dwellinghouse had occurred, he considered that it had not been erected without planning permission. The Council was afforded the opportunity to respond to the appellant’s case in full at the Hearing, and neither party would be prejudiced by my consideration of this argument as an appeal on ground (b). This matter is closely related to the argument on ground (c), and I have therefore considered grounds (b) and (c) together.

Appeal A Grounds (b) and (c)

8. Appeals on ground (b) are made on the basis that the matters constituting the alleged breach of planning control have not occurred, and on ground (c) that those matters (if they occurred) do not constitute a breach of planning control.

9. The principal matter for these appeals is therefore whether the development alleged, the erection of a detached dwellinghouse, occurred without planning permission.

Whether the planning permission is a nullity

10. Neither party claims there is any omission or error on the face of the planning permission, in relation to the requirements of the 1990 Act or any associated Order or regulation. The judgements in *Thornton Hall Hotel Ltd*¹ and *East Elloe DC*² together establish that a decision which is defective by reason of a legal flaw cannot normally be treated as a nullity, such that it is wholly void from the outset. The 2019 permission has not been quashed or revoked and, with the evidence before me, it remains, even with its flaws, and is capable of having legal effect.

Whether a dwellinghouse has been erected without planning permission

11. There is no dispute between the parties that planning permission was required for the development, or that a planning permission (the 2019 planning permission) was granted. Neither is there any dispute that the pre-commencement conditions of the 2019 permission were complied with, or that the demolition of the original dwellinghouse occurred in accordance with the terms of the permission and within the timetable for commencement. With the information before me, the 2019 permission was therefore lawfully commenced.
12. The principal question is therefore whether the 2019 planning permission could be implemented lawfully, and if so, whether it was.
13. The elevational drawings show a full-length first floor balcony not shown on the floorplans. The floorplans show a balcony which only extended across around a third of the length of the dwelling. Neither set of plans appear to take precedence over the other and the ambiguity is not resolved by reference to extrinsic material.
14. The Council issued its Notice on the basis that the approved plans and elevational drawings could not be reconciled and that, as a result, it was impossible to comply with condition 1 of the planning permission. It argues that the 2019 permission was therefore not capable of being implemented and that there is no planning permission at all for the replacement dwelling.
15. The appellant considers the conflict between the approved plans can be settled in favour of the full-length balcony, as shown on the most recent drawings, noting that the previous Inspector acknowledged the full-length balcony was shown on some of the approved plans and therefore considered it permitted.
16. Although the previous Inspector had the Council's summary argument before her, she did not have access to the Council's legal advice in full, or to the discussion with legal representatives for each main party at the Hearing. I have therefore considered this matter on the basis of the more comprehensive information put before me, both in writing and at the Hearing.
17. In relation to the first-floor balcony, the plans are in conflict, and on their face are irreconcilable. Having regard to the *Trump International Golf Club*³ judgement, the

¹ R (Thornton Hall Hotel Ltd) v Wirral MBC [2018] EWHC 560 (Admin)

² Smith (Kathleen Rose) v East Elloe Rural DC [1956] AC 736, [1956] UKHL 2

³ Trump International Golf Club Scotland Ltd v the Scottish Ministers [2015] UKSC 74 & Lambeth LBC v SSCLG [2019] UKSC 33

natural and ordinary meaning of the words of Condition 1 are that the development must be carried out in accordance with all of the drawings listed in the condition.

18. Specific references in the condition to 'floor plans' and 'elevations' in relation to certain drawing numbers do not resolve the ambiguity. They simply clarify that as the original drawing sheet contained eight drawings, with both floor plans and elevations, the revised elevational drawings superseded the original elevations on that sheet but not the floor plans.
19. I have had regard to the judgements referred to by the main parties, including *Choiceplace*⁴. The irreconcilable differences mean the development cannot be carried out in accordance with all the approved plans, as accord with some drawings would necessarily result in conflict with others. Although much of the dwelling is shown clearly on all drawings, the conflicts, in relation to the first-floor balcony, are significant both physically and in terms of their effects.
20. The development therefore cannot be carried out fully in accordance with the planning permission, and the erection of the dwelling was unlawful.

Conclusion

21. The development which has occurred is therefore the erection of a dwelling without planning permission, and the erection of the dwelling was a breach of planning control. The appeals on grounds (b) and (c) therefore fail.

Appeal B

Main Issues

22. I have statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the LBCA Act") to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
23. The Council describes its objections to the development as relating only to design and effects on amenity and makes no case on heritage matters. However, I have not been able to separate the matter of the design of the development from the character and appearance of the area within which it sits. I have therefore considered the design together with its effects on the setting of the heritage assets and the character and appearance of the Conservation Area as a single issue.
24. The main issues are therefore:
 - The design of the development and its effect on the registered park and garden, whether it would preserve the setting of the Listed Building, 20 Fonnereau Road ("No 20"), and whether it would preserve or enhance the character or appearance of the Central Conservation Area; and
 - The effect of the development on the living conditions of occupiers of 20 and 22 Fonnereau Road ("No 22"), with particular regard to privacy.

⁴ *Choiceplace Properties Limited v SSHCLG & Barnett LBC* [2021] EWHC 1070 (Admin); [2021] JPL 1483

Design, character and appearance

Significance/special interest of heritage assets

25. The Land lies within the Central Conservation Area ("CA") and the settings of the Grade II listed building 20 Fonnereau Road and the Grade II registered park and garden Christchurch Park ("the park").
26. As a whole, the CA contains ancient streets, numerous listed buildings and buildings of special local interest. It retains a strong local pre-mediaeval street pattern together with Georgian and Victorian changes and extensions to the important Anglo-Saxon settlement. The residential character of the High Street and Fonnereau Road area of the CA is of considerable townscape value, with large and ornate mid-19th Century houses which vary markedly in appearance but have a continuity of materials and a common scale. All the buildings on the northern side of Fonnereau Road are either listed or of local architectural interest. The CA Appraisal and Management Plan (1994) aims to protect and enhance listed buildings and their settings and the designated conservation areas and achieve high quality new development which respects the surrounding built form and land use pattern.
27. No 20 was constructed with red and Suffolk white brick with a slate roof and is of grand scale and significant character. Its special interest is drawn from its historic and architectural interest as an elaborate and well-preserved mid-19th century dwelling of high social status. It also shares group value with other fine dwellings on the northern side of the road.
28. The park is the former gardens and pleasure grounds of the Christchurch Mansion, with earlier 12th century origins as part of an Augustinian Priory. Although the Mansion House also has private gardens, the land around it was extensively remodelled. The northern area has a strong 19th Century parkland character of open areas of rolling grassland punctuated by groups of trees and scattered individuals. The upper arboretum, closest to the appeal site, lies west of the Bridle Way, at the top of a steep bank. It was leased to Ipswich Corporation by the Fonnereau family in the mid-19th century as a public pleasure ground for the lower classes. It is planted with mixed evergreen species including some notable holm oaks, and the southern end consists of a flat lawn edged with trees with a 19th century Arts and Crafts shelter. Its significance is associated with its historic interest as a priory, mansion house, then a public park and its substantially 19th century parkland with remnants of 17th and 18th century landscape.

Design and effect of the proposal

29. Christchurch Cottage is a dwelling of modern architectural design which replaces a previous dwelling of the same name. It stands alone beyond the rear gardens of Nos 20 and 22, and the previous dwelling may once have been associated with one or more of the larger dwellings on Fonnereau Road. Its northern boundary is the northern edge of the CA and adjoins the upper arboretum of the park. From the CA the dwelling is seen amongst and against a backdrop of mature trees.
30. Having found that the 2019 permission remains despite its flaws, only the modifications to the design, and clear proposals where there is conflict between the approved plans, are of significance to my decision. Although a number of changes

have been made since the 2019 permission, the Council's objection extends only to the proposed screens on the first-floor balcony.

31. Nevertheless, neighbouring residents object to the full length first-floor balcony and proposed screens, the roof balconies and their proposed screens, and the southern window and its associated balcony. I consider the effects of all of these below.
32. The Gardens Trust also considers the development would result in a low level of less than substantial harm to the significance of the park. The dwelling is a notable presence from the path close to its southern boundary, and noticeable but less prominent from the bandstand/shelter. The Trust's concern appears to be the large areas of glazing on the north elevation that increase the prominence of the building when viewed from the arts and crafts shelter. However, the northern glazing was part of the 2019 planning permission and is not one of the modifications proposed.

The first-floor balcony

33. As part of the new dwelling, the design of the balcony structure itself is not harmful to the character of the conservation area or the settings of the listed building and registered park and garden.
34. However, the existing screen panel at its southern end is an incongruous feature at that height on a raised platform. The balcony and screen are not visible from, or experienced in association with, the listed building and are not within its setting. But the screen is prominent in and harmful to the character of the CA, and its replacement with the proposed purple bamboo screen would be likely to have even greater negative effects on account of its colour and materials. The alternative proposals for the southern end of the balcony, obscure glazed screen or decorative panel, would be significantly more harmful and would be entirely alien features in this silvan and historic location, and would clearly fail to preserve or enhance the character or appearance of the CA.
35. The proposed 'vertical bar panel' of slats, to run along part of the western side of the balcony above the railings, would create an enclosed structure suspended at height. It would appear contrived in nature, compounding the inappropriate design of the southern screen and increasing its harmful effects. The alternative ivory composite panels would be even more harmful, being light in colour, urban in character, and in contrast with the wooded setting. Neither measure would preserve or enhance the character or appearance of the CA.
36. From the park, the existing 1st floor balcony screen is only marginally visible. The proposed western screens would be more noticeable, but the vertical slats would be relatively small features, red/brown in colour, seen against the existing red brick of the house and the wall of the park, and would not harm its setting. But the ivory-coloured decorative fence alternative would be more prominent and less sympathetic to the setting of the park, resulting in less than substantial harm to its setting and harming its significance.

The attic roof balcony

37. The attic roof balconies at either side of the dwelling are visible from the houses and gardens on Fonnereau Road, and primarily from Nos 20 and 22. In those perspectives the red brick of Christchurch Cottage is seen beyond red brick garden walls, and the grey slate roof of the cottage, to some degree, reflects those found on other properties in the CA.

38. The cut-out sections of the roof above the roof terraces are a modern feature made more prominent by the railings which protrude above the roof slope. The proposed obscure glazed panels would contrast and conflict with the grey roof tiles and stand proud of the roof slope. They would be an insensitive feature standing at right angles to the roof and would be equally harmful to those considered by the previous Inspector. Together these features would not preserve or enhance the character or appearance of the CA. In contrast, the approved louvres would maintain the appearance of the roof in a manner that was sympathetic to the character of the CA.
39. The eastern roof balcony and screen is also within the setting of the listed building and visible from its rear. But there is reasonable separation between the listed building and the roof balcony and screen and, overall, the effect on the setting of the listed building would be neutral and its special interest would be preserved.
40. The attic roof balconies are also clearly seen in some views from the park, but these features would be seen in the context of a clearly modern design and the significantly more prominent northern glazed elevation and balcony. In these perspectives the railings are relatively discreet, the cut-out roof sections increase the permeability of the roof to greenery, and the glazed screens would be relatively small features in a modern expression of a dwelling. These elements of the proposal would therefore not harm the setting of the park or detract from its significance or special interest.

The southern window

41. As approved, the southern window was to be divided in a traditional manner with brick detailing. Those details are missing from the proposed (and installed) windows, which are relatively plain obscure glazed French doors in dark frames with a clear glass Juliet balcony screen. Nevertheless, although the window proposed is less interesting than that previously approved, it is not out of keeping with the building or harmful to the character or appearance of the CA; neither does it harm the setting or special interest of the listed building or the park.

Conclusion on design, character and appearance

42. Although I have not found harm arising from the southern window amendments, the modifications to the roof to accommodate the attic roof balconies at the sides of the dwelling and the first-floor balcony screens would be poor design and would not preserve or enhance the character or appearance of the CA. The ivory-coloured decorative fence screens would also harm the setting of the registered park.
43. The development therefore conflicts with Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (2022) ("LP") Policies DM12 and DM13. Together these policies require all new development to be well designed and respect and promote the special character and local distinctiveness of Ipswich, to require the position, appearance and materials to pay regard to the character of the area and protect and enhance the special interest, character and appearance of CAs.

Public benefits

44. The harm I identify to designated heritage assets is less than substantial in the terms of the National Planning Policy Framework ("the Framework"), and I must weigh the harm against the public benefits. When considering the effect of a

proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

45. The appellant's case is that the development would remove the potential for overlooking, which would amount to a public benefit.
46. However, I found above that the dwelling had been erected unlawfully and that the erection of the dwelling authorised by the 2019 planning permission cannot be implemented in accordance with the approved plans. There is therefore no lawful development before me against which harm arising from overlooking can be remedied, and the enforcement notice addresses the harm arising from the unauthorised development.
47. The planning application before me proposes potentially harmful development in terms of overlooking and seeks to address that harm with further harmful development in terms of design, character and appearance.
48. There is therefore no public benefit which would outweigh the harm to the designated heritage assets.

Living conditions

49. The first floor and attic roof balconies and the southern first floor window, if opened, would afford occupants views over neighbouring gardens and into neighbouring dwellings on Fonnereau Road.
50. Having found above that I would not grant planning permission for the attic roof balcony elements of the proposal, on account of their impacts on heritage assets, I have not considered them further.

The first-floor balcony

51. Photographs of the original dwelling have been provided by a neighbouring resident. They show it was set back on the plot with small upper floor windows and had very little effect on privacy of users of the neighbouring houses and gardens.
52. The proposed dwelling is further south on its plot and closer to neighbouring houses and gardens. The plans before me show the balcony would extend across the full width of the western side of the dwelling, as it has been built.
53. The existing screen at the southern end of the balcony is part of the dwelling erected without planning permission. And having concluded that the development cannot be carried out in accordance with the 2019 planning permission and that the proposed balcony screens would be harmful to the CA, I must consider the effects of the balcony without privacy screening.
54. Users of the balcony would be afforded a full view of the rear of the house and the rear garden at No 22, including a clear view into No 22's kitchen. LP Policy DM18, which aims to protect quality of life for occupiers and neighbours, applies a minimum privacy distance of 21m to rear facing elevations, 12m to side elevations, and 9m to garden boundaries.
55. The distance to the house from the 1st floor balcony exceeds all these distances. But the new dwelling has been designed with the main living space on the first floor and the large balcony is accessed from the kitchen, dining and living space. It is an extensive feature of a significant length, width and area standing above the

boundary walls and fences. The easy access from the main living spaces and the wide unrestricted views would afford users significantly greater visibility than that gained from within a dwelling. The effect on neighbouring occupiers would therefore be greater than the scenarios envisaged by the Council in relation to its *minimum* privacy distances and would be harmful.

56. The parties agree that the southern end of the balcony is around 4.5m from No 22's garden. The nearest 4.5m of the balcony would therefore afford views of the neighbouring garden which fail to meet the Council's minimum privacy standard. The balcony is a very prominent, and dominating, feature from No 22's garden and its effects are very substantially greater than those of the previous dwelling. All of No 22's useable rear garden space would be visible from the balcony, and this relationship is harmful to the living conditions of the neighbouring occupier. For these reasons, and those given above, even parts of the balcony more than 9m from the boundary would result in harm, including the area above the conservatory.

The southern window

57. The parties agree that the first-floor window on the southern elevation is around 4.5m from No 20's boundary. A tree within the appeal site provides a degree of visual screening for western parts of the house and garden at No 20 but very little for its garden or the eastern side of the house. There is also some limited overlooking of the rear part of the garden at No 22.
58. However, much of that partial screening, and the screening of No 22's garden, is attributable to a climbing plant, possibly ivy, which may well need to be removed from the host and neighbouring trees in future. In that event, the screening afforded to the gardens of Nos 20 and 22 would be much reduced.
59. Although the existing window is obscure glazed, an exterior pane of glass currently facilitates its opening, with potentially clear views from the first-floor kitchen over the garden and into the house at No 20. The proposed plans state, "doors to be permanently fixed shut, with the handles removed", and those provisions, subject to a suitable planning condition, would make this part of the proposed development acceptable if the Juliet balcony exterior glass panel is also removed.

Conclusion on living conditions

60. In relation to the full length first-floor balcony, the development harms the living conditions of occupiers of Nos 20 & 22 Fonnereau Road, with regard to privacy. It conflicts with LP Policies DM17 and DM18, which require that development protect the quality of life of occupiers and neighbours, only granting permission for development that does not result in an unacceptable loss of amenity.
61. In relation to the southern window, overlooking can be addressed by a suitable planning condition in the terms described above. Subject to such a condition, this part of the development would not harm the living conditions of occupiers of Nos 20 and 22 Fonnereau Road, and would accord with LP Policies DM17 and DM18, which are described above.

Other Matters

62. Having found that the dwelling authorised by the 2019 planning permission cannot be implemented I am unable to give any weight to a fallback position associated

with a full-length first-floor balcony as it is shown on some, but not all, of the approved plans.

63. Other matters have been raised by those objecting to the development, but since none would change my decision, I have not considered them further.

Conclusion on Appeal B

64. In conclusion, the development would not preserve or enhance the character or appearance of the Central Conservation Area and would harm the living conditions of neighbouring occupiers. It therefore conflicts with policies of the development plan, and there are no material considerations which require a decision to be made otherwise. The appeal should therefore be dismissed.

Appeal A Ground (f)

65. Appeals on ground (f) are made on the basis that the steps required by the Notice to be taken exceed what is necessary to remedy the breach of planning control or remedy any injury to amenity (whichever the case may be).
66. At the Hearing the Council were very clear that the sole purpose of the Notice was to remedy the injury to amenity, not to remedy the breach. Therefore, under Section 173(11) of the Act, if all the requirements of the Notice are complied with, then planning permission will be treated as having been granted for the development.
67. The appellant's first position is that I should update the Notice requirements if I allow Appeal B and grant planning permission, but I concluded above that I would dismiss that appeal.
68. The appellant's second position is considered in relation to each requirement of the Notice below.
69. In relation to 5A(a) leaving the balcony in situ but screening it off to exclude access would not necessarily prevent its use throughout the life of the dwelling. Even if a physical barrier could be erected to make access difficult, I have not seen any alternative text that could ensure the excluded area of the remaining balcony was not used in future.
70. In relation to 5A(b) having found that the existing privacy screen is harmful in terms of design, character and appearance, it must be removed. It is also necessary for a screen to be installed in the location shown in the Notice to ensure there is not unacceptable harm to living conditions of neighbouring residents.
71. In relation to 5A(c), subject to the removal of the balcony structure outside it, it is not necessary for planning purposes for the appellant to construct a Juliet balcony on the exterior of the kitchen area western doors, even if it may be for safety reasons under other legislation.
72. In relation to 5A(d) I do not accept that the exterior glass panel may be retained if the southern window is fixed shut. As a feature designed to function as a balcony it is part of the feature designed to facilitate views across the neighbouring gardens, and it is necessary for it to be removed to prevent its reuse in future.
73. In relation to 5A(e) I have found the roof balcony louvres to be necessary to maintain the character and appearance of the CA.

74. In relation to 5B the Council confirmed at the Hearing that the purpose of the Notice was not to remedy the breach, even in the alternative. Section 5B therefore clearly exceeds what is necessary to remedy injury to amenity.
75. In conclusion, the appeal on ground (f) succeeds in part, and I shall vary the Notice to remove requirements 5A(c) and 5B in my Formal Decision. I shall also remove the time period for compliance with requirement 5B in Section 6 of the Notice.

Appeal A Ground (g)

76. Appeals on ground (g) are made on the basis that the time period for compliance with the requirements of the Notice falls short of what should reasonably be allowed.
77. The Notice requires steps 5A(a)-(e) to be carried out within 6 months.
78. The appellant states that the works would be a major undertaking, would need to be carried out by a builder, that Building Regulation approval would need to be obtained and materials would need to be sourced, including some which are bespoke.
79. However, the works required by 5A (b),(c),(d) and (e) are relatively minor, and are largely works of removal and adjustment. The removal of the extended balcony will require the removal of some steelwork, but I have seen no evidence that that cannot be carried out within 6 months.
80. With the evidence before me I am therefore not persuaded that a period of 6 months is unreasonable, and the appeal on ground (g) fails.

Formal Decisions

Appeal A:

81. It is directed that the enforcement notice is varied by:

- In Section 5A, the deletion of the words:

"c. The Juliet balcony marked red on Plan C1 and circled red on Plan C2 attached hereto must be installed. The door to the window marked blue on Plan C1 must open inwards not outwards." and

- In Section 5B, the deletion of the words:

"5B. Failure to undertake these works in full within the compliance period will require you to:-

- A) Demolish the dwelling (known as Christchurch Cottage, Bridle Way, Ipswich IP1 3JJ) constructed on the Land; and
- B) Remove all resultant materials and debris arising from the demolition of the dwelling on the Land.

Before commencing the demolition operation, as Christchurch Cottage is within the Central Conservation Area, you are required to submit a planning application in advance, as the Local Planning Authority, Ipswich Borough Council, may want to apply conditions in respect of these works, to ensure there is no adverse impact upon amenity."

- In Section 6, the deletion of the words:

“The period for compliance with the steps set out in paragraph 5B is 12 months from the date this notice takes effect.”

82. Subject to the variations, the appeal is dismissed, and the enforcement notice is upheld.

Appeal B:

83. The appeal is dismissed.

Peter White

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Tim Taylor – Planning Lawyer

Mr Steve Miller (Planning Direct) - agent

Mr Tony Cox - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Richards – Barrister, No.5 Barristers' Chambers

James Mann - Head of Planning and Development

Richard Collins - Development Management Team Leader

Angela Tyrrell – Council Lawyer

Tim Peters - Senior Planning Enforcement Officer

INTERESTED PARTIES:

Ms Lucy Drake – local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Smith (Kathleen Rose) v East Elloe Rural DC [1956] UKHL 2 (26 March 1956)
2. R (Thornton Hall Ltd) v Wirral Metropolitan Borough Council [2018] EWHC 560 (Admin)
3. Drawing number 202501 12B 2
4. Conditions proposed by Ms Drake