Appeal Decision

Site visit made on 26 November 2013

by Anne Napier-Derere BA(Hons) MRTPI AIEMA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2014

Appeal Ref: APP/R3515/A/13/2204524
22 St Johns Works, Kemball Street, Ipswich, Suffolk IP4 5EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andy Cracknell (Maples Development Ltd) against the decision of Ipswich Borough Council.
- The application Ref IP/13/00113/FUL, dated 4 February 2013, was refused by notice dated 19 April 2013.
- The development proposed is demolition of existing building and erection of 5 new houses.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The ownership Certificate A was completed on the planning application form, indicating that the appellant was the sole owner of the application site. With the appeal submission, it was confirmed that this was an error and Certificate B was completed on the appeal form and details of the landowner and notification were provided. As the landowner has been given an opportunity to comment on the proposal, I am satisfied that his interests have not been materially prejudiced and that the original error should not prevent me from determining the appeal.

3. The description of the proposal used in the heading above is that on the planning application form. The details on the application form show the amount of accommodation proposed as being for two three-bedroom and three four-bedroom houses. The Council’s decision notice reflects this in its description of the proposal. However, the appeal forms indicate that the description of the development has changed from that on the application form and the refused layout is for five three-bedroom houses.

4. The Council’s officer report indicates that revised details were submitted as part of the application process to amend the size of the dwellings so that all five houses would be three-bedroom properties. It is clear, from the evidence before me, that the Council considered the proposal on the basis of these revised details and I am satisfied that no material interests would be prejudiced by my consideration of the appeal on this basis also.
Main Issues

5. The main issues in this appeal are:
   - The effect of the proposal on the character and appearance of the area; and
   - Whether or not the proposal would achieve safe and convenient access, parking and servicing arrangements, which would provide for acceptable living conditions for neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site is located within an established, predominantly residential, part of the town and is broadly rectangular in shape, set back from the road and served by an access from Kemball Street. Wider public views of the site are very limited, although it is plainly visible from the rear of the large number of residential properties around it. The site currently contains an area of hardstanding, roughly in the centre of the site, with a sizeable area of grass and boundary vegetation to the north. Built development occupies the southern half of the site, in the form of interconnected industrial buildings, which are clearly at odds with their surroundings. However, although the buildings are largely functional, their materials, large arched windows and dual pitched roofs result in them having the distinctive, and not disagreeable, appearance of older industrial buildings. Consequently, overall, I consider that the existing development on the site is not materially harmful to the appearance of the area.

7. Although there is a variety of development around the site, there are only relatively limited examples of development in depth. As a consequence, despite the density of built development on the road frontages around the site, the long rear gardens of the semi-detached villas on Cauldwell Hall Road and the rear gardens of the terraced houses on Kemball Street, together with the grassed area within the appeal site and the trees in the local vicinity, contribute towards a general sense of verdant spaciousness within the largely enclosed backland area behind the frontage properties. To my mind, this makes a positive and valuable contribution to the overall character and appearance of the locality.

8. The appeal site is relatively long and narrow, with the single point of access roughly midway along one side boundary. Consequently, the elongated configuration of the site is such that the layout of the scheme before me requires a significant proportion of the site for the provision of parking, access and turning to serve the number and type of dwellings proposed. In this respect, whilst I have had careful regard to the appellant’s arguments in favour of the scheme, I find the concerns of the Council, including the comments of its urban design officer, to be persuasive. I consider that the proposed layout would be constrained, with an awkward relationship between the dwellings, which would result in the development being unacceptably visually dominated by its access and parking provision. As a result, despite the surfacing and facing materials, trees and areas of landscaping proposed, I consider that the proposal would not establish a strong sense of place or respond positively to the local character of the area.
9. From the evidence before me, I also consider that the proposed bin collection area would not be a visually integrated part of the overall design for the site. The siting of bins along the side wall of the existing neighbouring dwelling would result in visual clutter within this relatively narrow access which, as a result, would be detrimental to the streetscene. However, taking into account the intermittent effect of this, I consider that this would not, in itself, be sufficient to find against the proposal. Nonetheless, it adds weight to my findings of harm above.

10. The site is not within a Conservation Area and, from the evidence before me, the proposal would not affect the setting of a listed building. It is not a matter of dispute between the main parties that some form of residential development would, in principle, be an acceptable alternative use of the site. There is nothing before me that would lead me to a different conclusion in this respect. Furthermore, the Council does not dispute that the density of development proposed would be below that normally sought for a scheme located in reasonably close proximity of local services and facilities.

11. In addition, the amount of amenity space proposed to serve each dwelling would meet or be above the Council’s minimum standards for such areas. I note also that some space would be retained on site for landscaping. I have taken into account the extent of built development currently on the site, the scale and form of the existing buildings, the variety of development around the site, as well as the amendments made to the design and form of plots 1 and 2 and the separation distances proposed. Accordingly, I am not persuaded that the height, scale and design details of the houses proposed would be unacceptable, even in this largely enclosed backland setting.

12. Nonetheless, I am mindful of paragraphs 56 and 57 of the National Planning Policy Framework (the Framework), which advise that the achievement of high quality design is important for all development and should contribute positively to making places better for people. For the above reasons, notwithstanding the existing development on the site, the density of development proposed, the amenity space and landscaping indicated and the design details of the proposed houses, I consider that the layout of the development and the resulting visual impact of the proposal would not achieve high quality design and so would not meet the aims of the Framework in this regard.

13. Consequently, for these reasons, I conclude that the proposal would be unacceptably harmful to the overall character and appearance of the area. As a result, it would be contrary to the overlapping aims of the Ipswich Borough Council Core Strategy and Policies Development Plan Document 2011 (CS) Policies DM5 and DM13, which require all new development to be well designed and protect the character and appearance of the area, with attractive layouts and designs, that function well and fit well with adjoining areas, with integrated waste storage that supports the streetscene. It would also not meet the aims of paragraph 17 of the Framework, to achieve high quality design, or paragraph 58, which seeks to ensure that developments will add to the overall quality of the area and establish a strong sense of place.

Access, parking and servicing

14. The site would be served by its single point of access, which is restricted in width and less than the recommended minimum in the Suffolk Design Guide. It is also located between two existing dwellings. From the evidence before
me, the site was used until recently for furniture manufacturing and this is reflected in the condition and appearance of the buildings within it and the representations received from local residents and others. Although the Council has indicated that this previous use was not authorised, whether or not this is the case is not a matter that is before me as part of this appeal, as other mechanisms exist to resolve such issues. Nonetheless, from the planning history provided, it appears that permission was previously granted for ancillary vehicular parking in association with the works on the site. The appellant’s grounds of appeal refer to the building as a warehouse. Consequently, overall and taking into account the general appearance of the buildings and the evidence submitted, I am satisfied that it is appropriate for me to consider the site as one with a previous industrial or warehouse use.

15. Any use of the existing buildings on the site would be very likely to lead to some traffic generation. These buildings are substantial in size. Although I understand that the amount of traffic movements recently associated with their use has been less than previously, this may not be the case with a future use of the site as existing. Furthermore, on the evidence before me, including the appellants’ traffic statement, I consider that the amount of vehicular traffic likely to be generated by five dwellings would be relatively limited. Moreover, it is very probable that the majority of the traffic generated by the appeal scheme would be private residential cars, which would not necessarily be the case with a possible future use of the existing buildings.

16. From the evidence before me, although the amount of parking proposed on site would exceed the Council’s current maximum standards, I am satisfied that this provision would not be inappropriate, given the location of the site and the particular characteristics of the development proposed. The proposal would make provision for turning within the appeal site, together with sufficient space for vehicles to pass adjacent to plot 3. Furthermore, I also consider it very likely, given the nature of the access arrangements proposed, that future users of the proposed access would be travelling at very low speeds. Accordingly, despite the length and width of the drive, its junction arrangements, including the potential for restricted turning movements into the site and the visibility achievable at its junction with Kemball Street, given the on-street parking within the area, I consider that the proposed access and parking would not cause unacceptable problems to highway safety, significant inconvenience to other road users or harm to the living conditions of neighbouring occupiers.

17. I am mindful that the access drive is also used by the occupiers of neighbouring dwellings, with parking spaces located off the drive and a pedestrian route along the rear boundary of the adjacent gardens. Due to the backland location of the site and its distance from the public highway, it would be necessary to provide a separate bin collection point to serve the proposal. I understand that, currently, each dwelling would have three bins, two of which would be collected on the same day, thus requiring a collection area capable of accommodating ten bins. Whilst an area has been identified for this within the site, this is within the narrow access drive and currently forms a strip located to one side of the surfaced access drive, immediately adjacent to the existing neighbouring dwelling.

18. On the balance of the evidence before me, including the comments of the Council’s domestic waste officer, the highway authority and the evidence provided by the appellant, although the space provided would not be generous,
I consider that it would be sufficient to adequately meet the likely requirements of the proposal and, although restricted in width, the siting of bins within the storage area would not prevent a vehicle from using the access. As a result, I consider that the bin storage area would be unlikely to lead to an unacceptable conflict of uses of this access and would not cause harmful inconvenience or significant detriment to the living conditions of existing occupiers on Kemball Street.

19. Consequently, for the above reasons, I conclude that the proposal would achieve safe and convenient access, parking and servicing arrangements, which would provide for acceptable living conditions for neighbouring occupiers. Accordingly, it would not conflict with CS Policies DM13 and DM26, to achieve a safe and convenient access and avoid significant adverse effects on the amenity or environment of neighbouring uses. It would also meet the aims of paragraphs 17 and 32 of the Framework in these respects, to achieve a good standard of amenity for all existing and future occupants of land and buildings and achieve a safe and suitable access to the site for all people.

Other Matters

20. My attention has been drawn to examples of other backland residential development schemes elsewhere. However, I do not have full details of these schemes or the background to the decisions, including the policy context in place at the time the decisions were made. Furthermore, from the evidence before me, there would appear to be material differences in the layout and access arrangements of these other schemes, including in respect of the relationship between the dwellings and the bin storage provision, relative to the appeal proposal. Consequently, I do not regard these examples as directly comparable with the scheme before me, which I have considered on its own merits and in the light of all representations made.

21. I have found that the proposal would achieve safe and convenient access, parking and servicing arrangements and would provide for acceptable living conditions in these respects for neighbouring occupiers. However, whilst the scheme would therefore not be harmful in these regards, I consider that this would not be sufficient to address the harm that would be caused to the character and appearance of the area.

22. The proposal would result in the removal of an industrial use from within this largely residential area and would provide for an effective use of this previously developed site. The scheme would also result in the provision of five new houses, which would add to the local housing stock. It is proposed that the dwellings would be constructed to code level 4 of the Code for Sustainable Homes, would be capable of future adaption and that provision would be made for cycle storage within the garden of each dwelling. I consider that these would be benefits of the proposal that would weigh in its favour.

23. Nonetheless, paragraphs 6-9 of the Framework indicate that ‘sustainability’ should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes ‘seeking positive improvements in the quality of the built environment as well as in people’s quality of life’. For the above reasons, I conclude that the harm that would arise from the proposal would significantly and demonstrably outweigh the
benefits of the scheme. As such, it would not meet the overarching aim of the Framework to achieve sustainable development.

24. I have had regard to the concerns raised about the impact of the proposal on light, outlook and privacy, on the noise and disturbance from the residential use of the site and the construction phase of the development, on external lighting, pollution, access for emergency services, surface water drainage, contamination, the archaeological importance of the site, and the potential for the development to increase the vulnerability of surrounding occupiers to crime. However, as I have found the proposal unacceptable for other reasons, it is not necessary for me to consider these matters further.

25. I have also taken into account the concerns raised in respect of rights of access for others. However, even if the appeal were allowed, my decision would not negate any private legal rights in these respects. I have therefore only attached very limited weight to these concerns and consider that they should not be decisive in this case.

Conclusions

26. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Anne Napier-Derere

INSPECTOR