



Appeal Decision

Site visit made on 9 August 2011

by Christina Downes Bsc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2011

Appeal Ref: APP/R3515/A/11/2152786

Barton Wood and Tudor House, Stone Lodge Lane, Ipswich IP2 9AR

- 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 S Peck against the decision of Ipswich Borough Council.
 - The application Ref IP/10/00710/FUL, dated 28 August 2010, was refused by notice dated 11 November 2010.
 - The development proposed is described as "*adaptive re-use of existing residential site and curtilage for renewed residential accommodations*".
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Decision

1. For the reasons given below the appeal is dismissed.

Procedural Issue

2. The site address on the application form refers only to Barton Wood but it is clear from the drawings that it also includes Tudor House. Notwithstanding the description of development on the application form the scheme is for the demolition of the two existing houses and the erection of 28 dwellings with associated landscaping, car parking and access roads. The date on the application form is "2008" but this appears to be a mistake taking account of the date on the certificate and the information on the appeal form.

Reasons

Effect on the character and appearance of the area

3. Barton Wood and Tudor House are good examples of local turn of the century architecture. They stand within landscaped grounds and Barton Wood also has an area of woodland to the side and rear which slopes down to Birkfield Drive. Saved UDP Policy BE45 in the Ipswich Local Plan (LP) encourages the retention of buildings of local or townscape interest. Draft Policy DC9 in the emerging Core Strategy includes a similar objective. Such buildings are also recognised as undesigned heritage assets in Planning Policy Statement 5: *Planning for the Historic Environment* (PPS 5).
4. Although these two houses are not currently on the Local List of Buildings of Special Interest this is being updated and the Council intend that they should be included. They are believed to have been designed by two prominent Ipswich architects in the late 19th century and early 20th century. Barton Wood in particular is a fine and imposing building and these houses with their mature garden settings make a positive contribution to townscape character along this part of Stone Lodge Lane. In an area that has been subject to considerable

change through redevelopment these attributes are what primarily account for the particular interest of Barton Wood and Tudor House. The representations from local residents also confirm that they have considerable value to the local community. Whilst these houses do not enjoy the protection of statutory listing they may nonetheless be considered as undesignated heritage assets. PPS 5 makes clear that a heritage asset can be identified during the process of decision-making and this is a material consideration of some importance.

5. The Appellant claims that it would be uneconomic to retain the existing houses and that they are not fit for purpose. However there is little evidence to support this contention. The proposal entails the redevelopment of the site with 28 houses and flats. Although many of the existing frontage trees would be retained the new development would be nearer the road and would also be seen at depth especially along the eastern access road. The open and spacious character that currently prevails would be considerably diminished. The land has a relatively complex geography and falls significantly towards the sides and rear. The distribution of two and three storey development has sought to work with the gradients. However the three storey terraces with their steeply pitched roofs would introduce intensive blocks of built form at the back of the site. These buildings would fail to respect the existing open character and would be imposing and overly dominant with little affinity to their surroundings.
6. The attempt to avoid pastiche is noted. Reference has been made to the Suffolk Design Guide but how the scheme reflects the local vernacular is not altogether clear. Whilst the buildings may adopt a simple contemporary styling the use of standard modules and the lack of articulation would result in parts of the development having a rather homogeneous appearance that would do little to complement its surroundings. Furthermore the layout has to a large degree been dictated by the position of the trees. This has resulted in awkward relationships between buildings that are unlikely to create a sense of place or promote local distinctiveness. The loss of the two attractive houses of local interest would not be justified by this development which is of insufficient quality to contribute positively to its host environment. For all of the above reasons I conclude that the appeal scheme would be unduly harmful to the character and appearance of the area and contrary to relevant policies in the LP including saved Policies BE1, BE7 and BE45.

Effect on protected trees

7. The appeal site is within a designated Green Corridor where saved Policy NE4 seeks to retain trees and hedgerows. Many of the trees are protected by a Tree Preservation Order and although the proposal has sought to retain protected trees where possible a number would need to be felled. Included are a group of horse chestnut, lime and Corsican pine which currently stand on the boundary between the two houses and have considerable amenity value. They are identified in the Arboricultural Report as Category B trees which make a significant long term contribution. Although many of the trees that are to be removed are considered in the Report to be of lower quality this does not necessarily mean that they make no contribution. The collective value of the trees is noted in the Report and contributes to the overall sylvan setting which is an important part of the area's character.
8. The Report details the way that the retained trees can be protected during construction. It is however ambiguous about whether foundations would encroach on root protection zones. Even if that were not the case some of the

houses would be very close. In addition parts of the main access roads and footpaths encroach into these zones. There is no information about where the service runs would be and they may well need to pass through sensitive root areas. Although it is possible to use special construction methods to safeguard sensitive areas around the trees these require very close supervision in order to be successful. Taking account of the extent of the sensitivity I have serious concerns about whether some of the trees would survive. Furthermore, if the roads were to be adopted by the Highway Authority changes to the layout would be required that may well cause further harm to protected trees.

9. The landscaping plan indicates that new trees are to be planted but many are shown within private gardens. Taking account of the amount of development and hard surfacing it is unlikely that the new planting would mitigate the loss of the existing mature tree cover. For all of these reasons I conclude that the appeal proposal will have an unacceptable impact on protected trees and would be contrary to development plan policy, including saved Policies NE4 and NE10.

Effect on nature conservation and biodiversity

10. The appeal site is partly within a Wildlife Corridor which extends beyond the site boundaries to the north and south. Planning Policy Statement 9: *Biodiversity and Geological Conservation* (PPS 9) recognises the importance of networks of natural habitats. Saved Policy NE19 seeks to protect and enhance the nature conservation value of Wildlife Corridors and states that the impact of development will be an important factor. The Appellant indicates that the woodland area to the west of the site would be enhanced with additional trees and understorey planting. Further that the area could be designated as a Local Nature Reserve although it is unclear how this would be carried forward.
11. The Ecological Report indicates that protected species are present on the site, including bats, great crested newts and stag beetles. The Report recommends further survey work although there is no evidence that this has been done. Circular 06/2005: *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System* makes clear that the presence of protected species and the extent to which they may be affected by a development proposal should be established before planning permission is granted. The Appellant is prepared to carry out suggested mitigation works to protect wildlife. However in the absence of the necessary survey work it is not known whether the development could be successfully implemented at all without irreparably harming the nature conservation interest of the site. Taking a precautionary approach I conclude that the development would be contrary to saved Policy NE19 and PPS 9.

Whether the site could be satisfactorily drained

12. Annex C to Planning Policy Statement 25: *Development and Flood Risk* (PPS 25) refers to flooding from surface water or foul sewers which can cause risk to people and property. The Flood Risk Assessment suggests that surface water drainage would be dealt with by means of individual on-site soakaways or infiltration basins. The information provided does not make clear how drainage from the roadways would be dealt with although the Design and Access Statement indicates that it would drain into the public surface water sewer system. If this is the case it is not clear whether such a connection would be accepted by Anglian Water.

13. The evidence suggests that there is sufficient capacity in the public system to accommodate the foul sewage discharge from the site. However due to the considerable gradients on the site it seems likely that some form of pumping station would be necessary. Whether such a facility could be adequately accommodated on the site and how it would be maintained in order to function efficiently in the longer term is not evident. The Appellant's assumption that this would be the responsibility of the Council seems to be misplaced.
14. These issues may be capable of resolution but the information at present is insufficient to be confident in this regard. I note that the Environment Agency remains concerned about the off-site consequences and these matters could not be satisfactorily controlled through planning conditions. Taking a precautionary approach it is concluded that there is likely to be a risk of flooding to nearby residential properties and the public highway as a result of inadequate drainage infrastructure. The proposal is thus contrary to saved Policy NE23 and PPS 25.

Whether financial contributions are required

15. The Council is seeking financial contributions towards education provision, children's play facilities and public open space. Saved Policy CF8 provides the context for education provision and the Local Education Authority has indicated that the capacity at 6th form level is insufficient. The provision of one space would thus be necessary but there is no information about how the payment to rectify this was evolved. Saved Policy RL6 provides the context for open space and children's play space and in the absence of satisfactory on-site provision residents would rely on off-site facilities. However there is insufficient information about whether there are local shortfalls, how the contribution is worked out and whether there is a particular local project to meet the needs of the development. Contributions are also sought for improvements to bus stops but again there is little justification to conclude that this is a reasonable or necessary requirement. No Planning Obligation has been submitted but there is insufficient evidence to conclude that the sums required are necessary to enable the development to go ahead.
16. The proposal includes seven affordable dwellings on the site. Saved Policy H9 and its supporting text indicate that a 30% provision should be sought. There does not appear to be a lower requirement for brownfield land but in any event the recent changes to Planning Policy Statement 3: *Housing* have removed private gardens from the definition. It is noted that the Appellant has agreed to provide an additional affordable dwelling if necessary and subject to such a change the affordable housing provision would be satisfactory and could be dealt with by means of a planning condition.

Other matters

17. Many local residents objected to the appeal scheme on the grounds of highway safety. One of the principle concerns was the adequacy of Stone Lodge Lane to accommodate the additional traffic associated with the development. The road is relatively narrow in places and this causes difficulties for two cars to pass at once. This is a particular problem close to the junction with Birkfield Drive due to the alignment of the carriageway and the position of the concrete retaining wall and kerbs. I have no doubt that there have been scrapes, inconvenience and driver conflict. However this is an existing problem and there is insufficient evidence that the road is inherently dangerous. Whilst I can appreciate the

- genuine concerns of local people the Highway Authority has not objected on the grounds that Stone Lodge Lane is operating beyond capacity or that the additional vehicle movements would be an unacceptable risk to highway safety.
18. The development would undoubtedly result in a considerable change in the outlook for those living near the site. Particularly affected would be the occupiers of The Firs and 9 Queenscliffe Road. Even though the new houses would stand at a lower level their three storey height and relative proximity to the boundary would result in a wall of development that would significantly intrude on the pleasant open outlook that is currently enjoyed. There would be an overbearing and oppressive impact especially from the rear garden of The Firs. Whilst new tree planting is proposed along the eastern site boundary it would need to be very high to provide effective screening and this is unlikely to be acceptable to the new occupiers.
19. Whilst the development would make a more efficient use of the site the 2010 changes to Planning Policy Statement 3: *Housing* have removed private gardens from the definition of "previously developed land" and also done away with the minimum national indicative density. In this respect the density provisions of the LP are outdated. In any event there are other considerations such as the constraints and characteristics of the site and this is recognised in draft Policy DC31 in the emerging CS. Gardens can be valued in their own right especially where they make an important contribution to character as is the case here.
20. The draft National Planning Policy Framework (NPPF) was issued on 25 July 2011 and contains a presumption in favour of sustainable development. The Appellant points out that the scheme has been designed to be energy efficient achieving a Code for Sustainable Homes Level 4 rating. The development would also provide benefits in terms of jobs, homes and economic growth. On the other hand there are serious concerns about the impact on the nature conservation value of the site, its trees and indeed the two existing houses which are heritage assets. These are all critical aspects of sustainability and the draft NPPF places emphasis on the importance of green spaces and green infrastructure. The draft NPPF is not suggesting that the answer should necessarily be "yes" to development that is harmful to such interests.

Overall conclusions

21. The contribution to economic growth and jobs, the provision of housing including affordable units and the additional woodland planting are all advantages. However these are insufficient to outweigh the serious harm that has been identified in this case. I have considered all other matters raised including the Appellant's comments about consultation with the Council and other parties. However I have found nothing to change my conclusion that the appeal development should not succeed.

Christina Downes

INSPECTOR

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