The Planning Inspectorate

# Appeal Decision

Site visit made on 21 March 2017

**by R W Allen B.Sc PGDip MRTPI**

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

**Decision date: 30 March 2017**

**Appeal Ref: APP/T3535/W/16/3155607**
**Adjacent to No 19 Union Lane, Oulton, Lowestoft, Suffolk NR32 3AX**

- 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 John Sarbutt against the decision of Waveney District Council.
- The application Ref DC/16/0893/FUL, dated 28 February 2016, was refused by notice dated 29 March 2016.
- The development proposed is erection of 4no 3 bedroom terraced houses.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:

    - Whether the location of the proposed development is acceptable as a matter of principle; and
    - The effect of the proposed development on highway safety.

## Reasons

*Location of development*

3. The main parties agree that the appeal site was formerly the rear garden of a bungalow; the bungalow having since been replaced by a development of four properties Nos 11-19 Union Lane. The Local Plan settlement boundary was subsequently redrawn but only around the replacement dwellings and not the remainder of the former garden of the bungalow. While I can appreciate the appellant's frustrations with this, the question of whether the settlement boundary should or should not extend to include the original garden is not a matter before me.

4. Policy DM01 of the Waveney District Council Development Management Policies Development Plan Document 2011 (DMP) states that development will be concentrated within the physical limits of the main towns and villages listed in the policy. The proposed development would be positioned on land outside of the settlement boundary, thus extending built form into the open countryside and eroding its openness. It would not therefore accord with DMP policy DM01.

5. The appellant asserts that it his intention is to make the dwellings affordable. The Council acknowledges, as do I, the significant benefits such housing would

bring. However, no mechanism is before me which secures the dwellings as affordable housing, such that I afford this material consideration with little weight in my decision. I also note that the appellant has put forward the appeal site as part of the Council's 'call for sites' for its emerging Local Plan. However, because this exercise is in its infancy stages, I cannot attribute any weight to this in my decision.

*Highway safety*

6. The appeal site is located near to the end of the residential road, and there are not a significant number of properties further served by it. While the proposed parking arrangements would not facilitate on-site turning and manoeuvring, and visibility splays may be somewhat hindered, I find that the level of vehicular traffic passing along this point would not be considerable. The risk to highway safety to passing vehicular or pedestrian traffic from potential vehicle reversing would in my judgement be negligible. The Council accepts that the proposed dwellings would adequately accommodate the required quantum of off-road parking for its needs and would not adversely increase traffic on the local highway network, and I have no reason to disagree.

7. I therefore find the proposed development would not cause any significant harm to the operation and safety of the local highway. The proposed development would accord with DMP policy DM02, which states that planning permission will normally be granted where the proposed development is sympathetic to its surroundings by ensuring access to the site that does not compromise highway safety.

**Other Matters**

8. Concerns have been raised by local residents in respect to the effect of the proposed development on the flooding and wildlife. I did not observe any notable or obvious concerns in these regards at my site visit, and no sufficient evidence is before me which suggests that the appeal site is at any particular risk of flooding or that it contains any wildlife, and what harm the proposed development would cause to both. The Council has not raised these matters as concerns, and in the absence of evidence to the contrary I have no reason to reach an alternative view.

**Conclusion**

9. For the reasons given above I conclude that the appeal should be dismissed.

*R Allen*

INSPECTOR