
Appeal Decision

Site visit made on 18 April 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 4th May 2017

Appeal Ref: APP/W3520/D/17/3168515
20 Station Road, Claydon, Suffolk IP6 0HT

- 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 Ms Tara Girving against the decision of Mid Suffolk District Council.
 - The application Ref 3376/16, dated 27 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed vehicular access on the safety and convenience of users of the adjacent highway and on the living conditions of the occupiers of the neighbouring dwelling, with particular regard to noise and disturbance.

Reasons

Safety and convenience of users of the adjacent highway

3. The new vehicular access would serve a semi-detached house sited on a corner plot adjacent to the junction with St Peters Avenue and would be taken from Station Road and run across the footway, cycle path and grass verge which the dwelling fronts onto. It would serve a single car parking space within an existing patio area between the side boundary with the next-door semi-detached house and a single-storey front extension to No 20.
 4. The local highway authority has not objected to the single parking space proposed but to the fact there would be no provision for a user to enter and exit it in a forward gear. The appellant argues that the County Council's adopted parking standards would allow for a relaxation in the requirement of two spaces for a three bedroom dwelling given the location within walking distance to local services and the frequent public transport links.
 5. However, the issue is not the amount of parking proposed but that its use would require a vehicle to reverse out onto Station Road given the lack of manoeuvring space. Consequently, I find the reference the appellant makes to the Council having allowed a dwelling elsewhere in Claydon without any car parking of no relevance to the highway safety concerns over this proposal.
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6. The proposed access would be close to the junction of St Peters Avenue onto the quite busy Station Road, which users of the cycle lane and footway alongside also cross-over. Therefore the new access would be adjacent to a part of the highway where there are already conflicting movements of cars, cyclists and pedestrians.
7. Consequently, the reversing of cars onto the main highway adjacent to this junction would add to the conflicting road user movements in this location. That there might be adequate visibility for a driver reversing out of the site does not alter the fact this would be less safe than exiting in a forward gear or my concerns over the proposed new access being close to an existing highway junction.
8. The fact that there are existing dwellings without the manoeuvring space to avoid reversing movements on Station Road would not support a further access where this would occur. The conversion of the nearby Old Telephone Exchange would appear not to have altered the existing parking arrangements. As there was no objection from the local highway authority to that particular proposal, this appeal decision¹ lends little weight in favour of this proposal which must be considered on its own merits.
9. The appellant refers to the ample on-street parking provision close to No 20. However, this factor would weaken the case over the need to provide an off-road parking space for this dwelling in circumstances where a new access would lead to reversing vehicular movements onto Station Road and be of material harm to the safety and convenience of other highway users.
10. The proposal would therefore be contrary to Paragraph 32 of the National Planning Policy Framework (the Framework) which requires that planning decisions take account of whether safe and suitable access can be achieved for all people.
11. There would be clear conflict with the respective aims of policies SB2 and T10 of the Mid Suffolk Local Plan 1998 (LP) that development does not adversely affect road safety and provides safe access and egress. The proposal would also not be supported by LP Policy GP1 which includes a requirement that proposals make proper provision for the turning of motor vehicles.

Living conditions of occupiers of the neighbouring dwelling

12. The parking space would be close to the next door semi-detached house and adjacent to a ground floor window serving a habitable room. The noise and disturbance resulting from the use of the proposed parking space, including the opening and closing of car doors, the starting of engines and the manoeuvring of a vehicle, in close proximity to this adjacent dwelling would be unneighbourly.
13. I agree with the appellant that some of the more general and strategic policies referred to in the Council's decision are of little direct relevance to this issue. However, a car parking space in the position proposed would materially harm the living conditions of the occupiers of the neighbouring dwelling, due to the noise and disturbance that would be caused. This would conflict with the aims of LP policies H16 and SB2 to resist proposals which materially reduce or adversely affect the amenity of adjacent dwellings. These policies would

¹ APP/W3520/W/16/3158378

remain consistent with the core planning principle in paragraph 17 of the Framework that decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusions

14. For the reasons set out above this proposal would conflict with the interests of the safe and convenient use of the adjacent highway and cause material harm to the living conditions of existing and future occupiers of the neighbouring house, due to the noise and disturbance that would result. Therefore, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR