
Appeal Decision

Site visit made on 6 August 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal Ref: APP/X3540/W/19/3229719

Land adjacent 20 Manor Park Road, Corton NR32 5HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roger Haynes against the decision of Waveney Borough Council.
 - The application Ref DC/18/2906/OUT, dated 13 July 2018, was refused by notice dated 29 November 2018.
 - The development proposed is the erection of two single storey dwellings including all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with all matters reserved apart from access. I have had regard to the Site Plan 1:1250 and drawing 17/107/01 showing the position of the access. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
3. The decision was made by Waveney Borough Council on 29 November 2018. On the 1st April 2019 Waveney Borough Council was dissolved and along with Suffolk Coastal District Council became a new non-metropolitan district council known as East Suffolk Council.
4. The development plans for the merged local planning authority remain in place for the former area of the Waveney District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Waveney District Council.
5. The appeal was submitted after the East Suffolk (Waveney) Local Plan (March 2019)(LP) was adopted and the parties have had the opportunity to comment on the relevant policies of the adopted document. Therefore I have considered the appeal against the policies within this document and not those listed on the decision notice.

6. During the appeal process East Suffolk Council has granted outline planning permission for one single storey dwelling on the appeal site under reference DC/19/1285/OUT. I have been provided with a copy of the decision notice and associated plans which I have considered in my decision.

Main Issues

7. The main issues are the effect on:

- the living conditions of the future occupants of Plot 1 on the proposed development, with particular reference to noise and disturbance.
- the character and appearance of the area.

Reasons

Living Conditions

8. Manor Park Road is a residential estate comprising single storey dwellings arranged along the road frontage. The site is located at the end of this cul-de-sac and is currently overgrown vacant land. The site is rectangular in shape and its length runs parallel with the boundary of 20 Manor Park Road and beyond.
9. Although matters relating to scale, layout, appearance and landscaping have yet to be fixed, drawing 17/107/01 demonstrates how the site could indicatively be laid out to accommodate 2 dwellings. Due to the narrow width of the plot I consider that there are limited options to develop the site without the need for a road running alongside Plot 1 to access Plot 2.
10. I consider that noise from cars accessing, turning and manoeuvring within the site and utilising the proposed access road, whilst modest, given its potential proximity would be detrimental to living conditions of those occupying Plot 1. Whilst a brick wall or acoustic fence could help to nullify this effect, I do not have sufficient detail before me to determine the suitability of any such mitigation and I am concerned that these could lead to further unsatisfactory effects on living conditions in terms of outlook.
11. As an outline approval would form the planning permission for the proposal, it is reasonable to consider at this stage whether or not the site can likely accommodate the proposal in order to provide a reasonable level of living conditions. Based on the evidence before me, I am not persuaded this could be satisfactorily achieved. Reserved matters would not be able to address these concerns without nullifying the planning permission.
12. Whilst not decisive on its own, the Council have also raised the effect on the living conditions of the occupiers of No 20 by way of noise and disturbance from the use of the proposed driveway. This would further add to the harm to living conditions.
13. I conclude that the proposal would have an adverse impact on the living conditions of the future occupants of Plot 1, with particular reference to noise and disturbance which would be contrary to policy WLP8.29 of the LP in this regard which requires development to protect the amenity of existing and future occupiers.

Character and appearance

14. The vacant site, which does not appear to have formed part of the original estate layout, sits between two existing single storey dwellings which are set at right angles to each other. Due to the recent granting of the outline planning permission on the site the Council has accepted that a single dwelling would not be harmful to the character and appearance of the area.
15. The proposed development of the site for two dwellings would, given the narrow width of the plot, result in a form of tandem development, as indicated on the submitted drawing 17/107/01. The proposed dwelling to the rear of the plot would not be readily visible from Manor Park Road.
16. The proposed dwellings would be accommodated within good sized plots which are commensurate with neighbouring plot sizes and have the effect of squaring off the development. Whilst the proposed dwelling at the rear will not benefit from a road frontage to Manor Park Road, given the limited width of the access, this would also be the case with the development of a single dwelling. Therefore, I consider that a second dwelling would not lead to any materially greater impact on the character and appearance of the area to that which has already been approved.
17. Therefore, I conclude that the proposed development would not result in an undue adverse impact on the character and appearance of the area. It would accord with policy WLP8.7 of the LP which allows for small scale residential development in the countryside, WLP8.36 which seeks to prevent coalescence of settlements and WLP8.29, which requires development to respond to local context as well as with related guidance in the National Planning Policy Framework.

Other matters

18. The proposal would result in benefits, including the provision of additional dwellings on a small housing site which would contribute to housing supply and in a location with good access to services. It would contribute to the local economy. There would also be limited benefits from the associated ecological gain and additional tree planting. However, these benefits are on a modest scale and do not outweigh the harm identified to the living conditions. The effect on the character and appearance of the area attracts neutral weight.
19. A Unilateral Undertaking was submitted with the appeal which concerned a number of European protected sites as regards nature conservation. If the circumstances leading to a grant of permission had been present, in the absence of secured mitigation, I would have been required to give further consideration to the impact upon the European Sites in accordance with the Habitats Regulations. However, as I am minded to dismiss the appeal, no further consideration of this matter is required.

Conclusion

20. Whilst I have found that the proposed development would not result in harm to the character and appearance of the area, it would have an unacceptable effect on the living conditions of the future occupiers of Plot 1 from noise and disturbance. This is decisive and leads me to conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR