



Appeal Decision

Site visit made on 9 October 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/X3540/W/19/3229629

102 Woodbridge Road, Rushmere St Andrew IP4 5RA

- 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 G Turtill against the decision of East Suffolk Council.
 - The application Ref DC/19/0299/FUL, dated 21 January 2019, was refused by notice dated 18 April 2019.
 - The development proposed is described as "new dwelling and proposed cartlodge at land rear of 102 Woodbridge Road, Rushmere St Andrew".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form gives the address as 102 Woodbridge Road, Rushmere St Andrew IP4 5RA. The description of development includes a description of the sites location as being at "Land Rear of 102 Woodbridge Road, Rushmere St Andrew". I have used the address from the application form as this corresponds to the site outlined in red on the plans and I have determined the application on this basis.
3. Since the application was determined the appellant has agreed to make a financial contribution towards mitigating the effects of the proposal on European Protected Sites and as a consequence the Council no longer wish to uphold the second reason for refusal. Although this issue is no longer in dispute between the parties, it is a matter that I will return to later in my decision.
4. East Suffolk Council was formed on 1 April 2019 by the merging of Suffolk Coastal District Council with Waveney District Council.

Main Issues

5. The main issues are: -
 - The effect of the proposal on the character and appearance of the area,
 - The effect of the proposal on the living conditions of neighbours, with particular reference to noise and disturbance, and: -
 - The effect of the proposal on European Designated Sites.

Reasons

Character and appearance

6. In the vicinity of the appeal site, dwellings of varying designs front the northern side of Woodbridge Road, set back in line behind an unmetalled service track and verges, and large front gardens. The dwellings lie within substantial individual plots. Opposite the site lies open land occupied by a golf course.
7. To the rear of the site, Playford Road is fronted by a mixture of bungalows and one and a half storey chalet bungalows with occasional two storey houses. Again, these are set back within substantial individual plots behind large front gardens. A notable exception to the general layout is a recently developed dwelling adjacent to 2 Playford Road, which is set back behind No 2. The land between the dwellings fronting Woodbridge Road and Playford Road provides rear gardens for the dwellings.
8. The overall character and appearance of the vicinity of the site is of substantial dwellings facing the road and the open land opposite, with large rear gardens which define a strong pattern and grain of development. Each dwelling establishes a presence in the public realm with its own street frontage. The immediate area provides a visual break between denser development to the east and west along Woodbridge Road.
9. The development would introduce a substantial single storey dwelling and a cartlodge within the backland area between the dwellings on Woodbridge Road and Playford Road, with no frontage on either road. Given the importance that I have placed to the street presence of the dwellings and the grain of development along Woodbridge Road opposite the more open land of the golf course, the incongruous positioning of the proposed dwelling would constitute harm.
10. Although well screened from the wider area this incongruity would still be appreciable from the nearby dwellings and the frontage on Woodbridge Road.
11. My attention has been drawn to other backland developments on Woodbridge Road. However, the example provided to the west of the site lies some distance from the appeal site in an area of denser development. I do not, therefore, consider this development to be contextually comparable to the appeal site. The dwelling to the rear of 2 Playford Road, although set back has an open frontage and is clearly visible from the street, with a separate access and has a distinct presence on the street, which would not be the case under the proposal before me. I have limited evidence before me regarding the application located to the rear of 217 Main Road and therefore I am unable to assess whether that development is contextually comparable to the proposal before me. I have, in any case, considered the appeal proposal on its own merits.
12. I therefore conclude that the positioning of the development would result in harm to the character and appearance of the area, contrary to Policies DM7 and DM21 of the Suffolk Coastal District Local plan Core Strategy & Development Management policies -2013- (the Core Strategy) which jointly seek, amongst other things, to prevent proposals that are out of character with the area or street scene, comprise poor visual design and layout or otherwise seriously detract from the character of their surroundings. Similarly, the

proposal would be contrary to the aims and objectives of Section 12 of the Framework that seek to ensure that developments are sympathetic to local character.

Living conditions

13. The proposed dwelling would be accessed between 102 and 104 Woodbridge Road, following demolition of an existing garage serving No 102. This access would run for a considerable distance along the boundary with No 104, and the building of No 104 lies very close to this boundary.
14. Although serving only one dwelling and therefore very lightly trafficked the noise and disturbance from vehicles passing so close to the dwelling would be disruptive to anyone occupying the adjacent rooms. I have no conclusive evidence that the layout of No 104 is such that disturbance could be avoided.
15. Further, the driveway would extend behind No 104, into the area adjacent to their garden. Therefore, the noise from vehicles manoeuvring to turn to enter and leave the site would carry to the garden of No 104. This garden would be likely to provide the principle outdoor amenity space for occupants of No 104 and the disturbance from this manoeuvring would be intrusive and disruptive to anyone seeking to enjoy the private amenity area.
16. I therefore find that the development would result in harm to the living conditions of the occupiers of 104 Woodbridge Road. The development would, therefore, be contrary to Policies D7 and DM23 of the Core Strategy which jointly, amongst other things, seek to ensure that backland development makes efficient use of land whilst protecting the living conditions of neighbouring properties. Similarly, the proposal would be contrary to the aims and objectives of Section 12 of the Framework that seek to ensure that developments create places with a high standard of amenity for existing and future users.

European Designated Sites

17. The site is located within the zone of influence of the Deben Estuary SPA/Ramsar Site, the Stour and Orwell Estuaries SPA/Ramsar Site, and the Sandlings SPA (the SPAs), which are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Policies SP14 and DM27 of the Core Strategy seek to protect such sites from harm and, where necessary, seek mitigation against any adverse effect of development. The Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk RAMS) incorporates strategic mitigation measures to be delivered to avoid adverse impacts. The appellants have undertaken to provide a financial contribution towards mitigating the effects of the proposal on the SPAs.
18. However, the Court of Justice of the European Union recently ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage¹. This responsibility now falls to me within this appeal. Such an assessment is necessary regardless of the status of the policies of the development plan.

¹ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

19. Had I been minded to allow the appeal, it would have been necessary for me to seek additional information from the parties and consult Natural England in order to undertake the AA. The AA is required on a case-by-case basis to determine whether or not the project will adversely affect the integrity of the site. It would also have required a consideration of whether or not any proposed mitigation would be adequate, effective, could be appropriately secured and delivered in a timely manner. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Other Matter

20. The appellants have referred to the proposed development in their CIL form as self build. National policy and guidance support and encourage the provision of self-built housing. There is little evidence before me to demonstrate that the appellants are entered on a self-build register or how the development would be secured as a self-build and so I give this matter limited weight.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

I Dyer

INSPECTOR