



Appeal Decision

Site visit made on 4 November 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/J3530/W/19/3229396

Eureka, Cliff Road, Waldringfield IP12 4QL

- 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 Geoff Livesey (Westgreen Commercial Ltd.) against the decision of Suffolk Coastal District Council.
 - The application Ref DC/18/3623/FUL, dated 31 August 2018, was refused by notice dated 22 March 2019.
 - The development proposed is demolition of existing dwelling and outbuildings. Erection of three houses and one bungalow. Alterations to existing access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and outbuildings, erection of three houses and one bungalow and alterations to existing access at Eureka, Cliff Road, Waldringfield, IP12 4QL in accordance with the terms of the application, Ref DC/18/3623/FUL, dated 31 August 2018 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since the Local Planning Authority issued their decision, Suffolk Coastal District Council and Waveney District Council have merged to form East Suffolk Council.
3. Planning permission has previously been granted for three detached houses on this site. That is a consideration in the determination of this appeal.

Main Issues

4. The main issue is the effect of the proposed development on the character of the Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site lies within the Suffolk Coast and Heaths Area AONB. In accordance with paragraph 172 of the National Planning Policy Framework (the Framework) I have given great weight to the need to conserve and enhance landscape and scenic beauty in the AONB in determining this appeal.
6. The appeal site is surrounded by developed plots, with the primary school on two sides, and residential properties to the other sides. The local character is mixed, with a variety of building sizes, styles and separation distances between dwellings in the Cliff Road street scene. The appeal site is set back at the end of the access drive.

7. The proposed development would be a more intensive development of the site than the previously approved schemes for three houses. The additional fourth dwelling would be located in the eastward spur of the site and would be a single-storey dwelling. That dwelling would not be a prominent feature when viewed from neighbouring properties due to its limited height. While the proposal would result in a more constrained form of development than on some surrounding plots, the proposed development would have a limited visual impact when seen from the public highway or neighbouring properties. The effect on the character of the AONB would not be harmful due to the limited visual impact.
8. The scale of the proposed development is therefore appropriate for this site, and it would not result in harm to the character of the AONB. The development is in accordance with the criteria of policies SP15, DM7 and DM21 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies July 2013. Together these policies require development to protect and enhance the AONB and local character and be of an appropriate scale and layout. These policies broadly accord with the requirements of the Framework, and there is therefore no conflict between local and national policy.

Other Matters

9. Each of the four houses would have private garden space available, and a total of eight parking spaces would be provided. The development would provide vehicle turning space within the site for all the houses, and the Highways consultee has accepted that this would be sufficient for cars. With regard to larger vehicles such as delivery vans, I am satisfied based on the evidence provided that sufficient turning space would be available within the site.
10. Access to the site is via a single-width drive which meets Cliff Road next to one of the entrances to the neighbouring school. There is a protected tree at the entrance, which limits visibility to the left for vehicles exiting the site, and visibility is also somewhat limited by the fence and hedge along the boundary with School Cottage. However, the Highways consultee has not raised any objection to visibility at the access, and the development includes proposals to improve the footpath approaching the school from within Waldringfield. In addition, the site entrance is next to a speed bump, and during my visit I observed vehicles drive slowly as they approached this. Accordingly, the proposed development would not result in harm to highway safety.
11. The proposed development differs most significantly from the previously approved scheme in the introduction of an additional dwelling. This dwelling would be a single-storey in height with no windows or doors facing the boundary to the north, which is shared with the closest neighbouring properties. As a one-bedroom dwelling, I consider that it is not likely to result in additional harmful disturbance to neighbouring occupiers.
12. The proposed development would make no provision for affordable housing, but there is no evidence before me that any provision was sought by the Council.
13. The rear elevations and back gardens of the two-storey houses would face the boundary shared with the school playing field. Any occupiers of these houses would be aware of the proximity to the school, and of the potential for noise or overlooking from the pupils when outside.

14. The proposed development includes external oil tanks for each of the houses. I have not been provided with any evidence that there is a significant prospect of these being a fire risk. I do not have any evidence before me to show whether oil delivery vehicles would be able to turn on site. However, such deliveries are only likely to take place on an occasional basis, and I do not consider that this would represent a significant risk to highway safety. Similarly, access for emergency vehicles is only likely to be required rarely, and the Building Regulations specify necessary measures to be included in residential development if site access for fire appliances is restricted.
15. The proposed development would involve a more intensive use of the site, increasing the extent of hard surfacing. Given the relatively small scale of the site, and the benefits associated with providing additional housing, I do not consider that this warrants refusal of permission. No evidence has been submitted to show that the development would realistically be likely to result in increased surface water flooding on Cliff Road.
16. A third party has questioned the accuracy of the submitted plans as they relate to the width of the access. I have no reason to dispute the accuracy of the plans, and in any case have based my decision on the site having a single-width driveway, which is not in dispute.

Conditions

17. I have considered the conditions recommended by the Council, which include standard conditions relating to the commencement of development and confirmation of the approved plans. I have omitted the reference to a plan showing the elevations of the existing buildings, as I do not have that plan in evidence before me.
18. I have attached conditions relating to external materials and boundary treatments, which are appropriate given the sensitive nature of the AONB. Conditions requiring completion of the highway and driveway improvements and details of the turning space for delivery vehicles within the site are appropriate and necessary in the interests of highway safety.
19. A condition relating to a construction method statement is imposed to avoid construction traffic causing disturbance and highway safety issues. I have amended the wording of the condition to clarify that the statement should be submitted and approved prior to demolition commencing on site. I attach a condition relating to bin storage, which is appropriate to prevent bins obstructing the highway, and a condition relating to discovery of unsuspected contamination which is necessary given the more intensive residential development proposed.
20. I have imposed one further condition. A condition requiring that appropriate methods be used to prevent harm to the protected tree at the entrance of the site is necessary to preserve it in the street scene and surrounding area and prevent harm arising from construction works. This has been reviewed and accepted by both parties, as has the condition relating to on-site turning space.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

M Chalk

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in all respects strictly in accordance with the following approved drawings: 5207 4 Revision A, 5207 5, 5207 6, 5207 7, 5207 8.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.
4. The dwellings hereby permitted shall not be occupied until internal and external boundary treatments have been put in place according to a scheme that has been submitted to and approved in writing by the local planning authority.
5. The dwellings hereby permitted shall not be occupied until the improvements to the highway and driveway have been constructed in accordance with details shown on drawing 5207 4 Revision A (Site layout plan).
6. No development shall commence until plans showing turning space for delivery vehicles within the site have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
7. No development, including any works of demolition, shall commence until a detailed method of construction statement has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.
8. The areas to be provided for storage of refuse/recycling bins as shown on drawing number 5207 4 Revision A (Site layout plan) shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
9. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
10. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.