



Appeal Decision

Site visit made on 24 September 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2020

Appeal Ref: APP/X3540/W/20/3249768

Whiteleigh House, Main Road, Martlesham, Woodbridge IP12 4SE

- 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 T. Freeman against the decision of East Suffolk Council.
 - The application Ref DC/19/4860/FUL, dated 17 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is described as a new residential access – resubmission of DC/19/1252/FUL.
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Decision

1. The appeal is allowed and planning permission is granted for a new residential access – resubmission of DC/19/1252/FUL at Whiteleigh House, Main Road, Martlesham, Woodbridge IP12 4SE in accordance with the terms of the application, Ref DC/19/4860/FUL, dated 17 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
1932/1 – Site Location Plan
OAS 19_194_TS01 – Tree Protection Plan
 - 3) The new vehicular access approved herein shall not be brought into use until it has been laid out and completed in full accordance with Suffolk County Council drawing DM03: DOMESTIC VEHICULAR ACCESS LAYOUT with pedestrian visibility requirements with a width of 3 metres. The vehicular access shall be retained in that form thereafter.
 - 4) The vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
 - 5) The gradient of the vehicular access shall not be steeper than 1 in 20 for the first 5 metres measured from the nearside edge of the adjacent metalled carriageway.
 - 6) Before the access is first used visibility splays shall be provided as shown on Drawing No. OAS 19_194_TS01 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified

form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Procedural Matters

2. East Suffolk Council has recently adopted the Suffolk Coastal Local Plan (2020) ('the SCLP') which has taken place since this appeal has been lodged. In light of this, the policies cited in the decision notice have been superseded by policies contained in the newly adopted Local Plan. The Council has provided an update to the Development Plan policies which it now wishes to rely on in support of its decision which the appellant has been provided the opportunity to comment on.
3. The Development Plan for the area also includes the Martlesham Neighbourhood Plan which was formally made in 2018 ('the MNP'). Although not mentioned in the Council's decision notice, the Council considers in its statement that the proposal would not accord with Policy MAR4 of the MNP. The appellant has had the opportunity to comment on this policy in their statement and I have had regard to it in reaching my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a detached two-storey dwelling with a detached garage which is located off a small private driveway off Main Road. The site has a brickweave driveway which runs from the front of the main dwelling towards the adjacent Main Road which is separated from the site by trees and vegetation. Main Road itself is characterised by dwellings set back from the road, interspersed with lines of mature tree and hedge boundaries. To the right of the appeal site (directly in front of adjoining property known as Topland House) when viewed from Main Road is an established and verdant area of vegetation and a short line of mature trees.
6. The appeal site is visible from Main Road as there is a distinct gap in the vegetation at this point. At the time of my visit the trees and vegetation still retained full leaf cover. Notwithstanding this, the appellant's driveway, detached garage and main dwelling were visible from the road. Although the proposed development would allow for a slightly increased view of the curtilage of the appellant's property, the proposal would not result in these views being significantly more open or prominent than the existing situation. Furthermore, there are a number of properties in the immediate vicinity of the appeal site that are clearly visible from Main Road, including the adjoining property known as Roywood House. As such, I consider the increased visibility of the appellant's curtilage would be minimal.
7. The tree lines found along Main Road make a positive contribution to the character of the settlement. The Council considers that the tree line is crucial to the character of Martlesham, albeit no evidence has been submitted to indicate

the contribution that these particular trees make. A number of tree lines are found intermittently along Main Road which are interspersed with access points for individual properties at relatively regular intervals along its length. The appeal proposal would result in the loss of some vegetation and two trees (T1 and T2). One of the aforementioned trees has been identified in the submitted tree report as being in poor condition and subject to disease. The proposal would retain the majority of the trees in Group 1 leaving significant vegetation remaining. The appellant's tree report indicates that there would be no harm to any of the group known as G2 which are of moderate quality and provide a positive contribution to the character of this part of the street. These trees would be retained maintaining their contribution to the character of the area. Due to the condition and value of the trees in Group 1, I consider that their loss would not result in harm to the character of the area.

8. Policy MAR4 of the MNP seeks that residential development, where possible, use hedges and/or trees for boundaries that are in keeping with the existing streetscape. The policy also requires development to respond to and integrate with local surroundings and the local landscape context as well as the existing built environment. Having regard to the fact that the proposal would not harm any trees of value, I do not consider the proposed development would result in any erosion of the character of the area and would integrate with the local landscape.
9. In light of the above, I conclude that the proposed development would not result in harm to the character and appearance of the area. As such, it would comply with policies SCLP10.4, SCLP11.1 and SCLP11.2 of the SCLP which state respectively that development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and enhance distinctive landscape elements including hedgerows, that permission will be granted where proposals take account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural and semi-natural features on site and that development will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.
10. The proposals would also comply with policy MAR4 of the MNP, detailed above.

Conditions

11. The Council has identified conditions which the appellant has had the opportunity to comment on. I have considered these against the advice in the Framework and the Planning Practice Guidance and have only imposed them where I consider them to meet the tests, amending them where necessary for the sake of clarity, precision and enforceability.
12. I have imposed the standard condition requiring commencement of the development within the prescribed period and a condition requiring the development be carried out in accordance with the approved plans.
13. In the interests of highway safety, a condition is required to ensure that the access has been laid out with the appropriate entrance width. The Council's suggested condition has been amended for precision to make full reference to the Local Highway Authority specification drawing and remove requirements that would otherwise not have allowed the commencement of development.

14. A further condition is required in the interests of highway safety in order to ensure that a bound surface material is used, and a condition specifying the maximum gradient of the first 5 metres of the driveway is also required in order to ensure the safety of traffic.
15. The Council has suggested a further condition requiring the driveway be constructed at a gradient no steeper than 1 in 8. However, the plans do not indicate any such works to the driveway beyond the initial part of the access. As such, the aforementioned condition specifying the maximum gradient for the first 5 metres from the metalled carriageway would be sufficient to address any concerns in this regard. As such, the Council's suggested condition is not necessary and is therefore not imposed.
16. The Council has suggested a condition which seeks to remove Permitted Development Rights by revoking provisions that might allow for any obstructions (such as planting or boundary fencing) within the visibility splay. Whilst I have found that the development proposed would not result in harm to the character and appearance of the area, any erosion of the available visibility splay could result in harm to highway safety. As such, in this exceptional circumstance I consider it is necessary to restrict such by condition in order to ensure control the visibility splays so that that these are retained free of obstruction.

Conclusion

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

P Mileham

INSPECTOR