



Appeal Decision

Site visit made on 6 October 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/X3540/W/20/3253425

Land adjoining Ivydene, School Lane, Benhall IP17 1HE

- 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 Mrs Virginia Blackmore against the decision of East Suffolk Council.
 - The application Ref DC/20/065/OUT, dated 14 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is the erection of a two storey residential dwelling and all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been made in outline with siting and access indicated on the proposed site plan to which I have had regard in my determination of this appeal. Whilst the appellant had indicated that access, appearance and layout were included at the outline planning stage, only a proposed site plan (drawing 2018/139/01) was included. As no other drawings or elevations were included, I have only had regard to the site layout and access as part of this appeal.
3. Since its original determination of the appeal proposal, East Suffolk Council has recently adopted the new Suffolk Coastal Local Plan (2020) ('the SCLP'). As such, the policies cited in the original decision notice have now been superseded. The Council has provided details of the policies from the Development Plan which it intends to rely on to support its decision to which the appellant has been able to comment upon. As such, I have considered these policies in my determination of this appeal.

Main Issues

4. The main issues are:
 - whether the site is in a suitable location for a new dwelling;
 - the effect of the proposed development on highway safety having regard to visibility; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

5. The appeal site is an area of unused land adjacent to the property known as 'Ivydene' located on the corner of School Lane and the B1121. The site is located approximately 1 kilometre from the town of Saxmundham and around 350 metres from Benhall Green. Benhall Green is a small village and there is no evidence to suggest the village contains any services or facilities other than a Primary School. The appeal site is located outside of the defined physical limits boundary of Benhall Green and in terms of the Council's policy SCLP3.2, it would be located in the countryside.
6. Policy SCLP3.3 of the SCLP indicates that proposals for new residential development outside of any settlement boundary will be carefully managed whilst policy SCLP5.3 sets out the circumstances where new housing in the countryside will be considered. The proposed development would not be an affordable dwelling, a replacement dwelling, involve the conversion of an existing building or provide accommodation for an agricultural or rural worker. As such, the proposed development would not accord with the provisions of policy SCLP5.3.
7. Policy SCLP5.4 of the SCLP sets out the circumstances where residential development may be considered in the countryside as part of clusters. As the proposal is for a single dwelling, it would comply with criterion a) which allows for up to three dwellings within a cluster.
8. Criterion b) of policy SCLP5.4 requires that for development to be acceptable it consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster or is otherwise located adjacent to existing development on two sides. The site's location would be adjacent to Ivydene and there is a further residential property opposite the site. However, the site is adjacent to the end of a short terrace of dwellings and despite the presence of the dwelling opposite, there is no development to the rear of the site or the western boundary due to the road. Furthermore, the proposal is not within an existing built-up frontage and it would not, therefore, meet criterion b) as it would not represent infill development.
9. Policy SCLP5.4 goes on to indicate at criterion c) that the development should not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built-up area surrounding, or adjacent to, the site. I consider the position of the site beyond the existing short terrace would not form part of a cluster, rather it would result in an extension of the existing development along School Lane. As such, it would extend the development rather than infill it, and would therefore fail to satisfy the requirements of policy SCLP5.4.
10. The site is located directly opposite a bus stop and there is a footpath present on the opposite side of the B1121 linking the site with Saxmundham. The presence of a bus stop indicates that public transport access to Saxmundham may be possible, albeit no evidence has been provided as to the frequency of any bus services and whether these could provide access to and from the town at convenient times. No streetlighting is found in the area which may discourage trips being made into the town by foot or cycle in poor light conditions. Whilst there may be some opportunities to use non-vehicular

transport to access services and facilities, the extent to which this is possible has not been demonstrated. As such, I consider it likely that the majority of trips to access day-to-day services and facilities in Saxmundham would be made by private transport. Over time, the cumulative number of trips made by private transport would be significant and as a result the site would not be in a suitable location for a new dwelling.

11. In light of the above, I conclude that the site would not be in a suitable location for a new dwelling. As such, it would be contrary to policies SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4 of the SCLP which state, amongst other things, that proposals for new residential development outside of any settlement boundary will be carefully managed, that outside of the defined Settlement Boundaries, new residential development will be limited to affordable housing, replacement dwellings, the conversion of existing buildings or rural workers dwellings, and the development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides and the development does not represent an extension of the built up area into the surrounding countryside.

Highway safety

12. The site is located on a corner position at the junction of the B1121 and School Lane. At the point in front of the site, the B1121 has a speed limit of 40 miles per hour. However, School Lane is subject to the national speed limit of 60 miles per hour. The Design Manual for Roads and Bridges ('the DMRB') indicates that a development in a location with such a speed limit would require visibility splays of 215 metres in either direction. School Lane itself is very narrow with no centreline and the lane narrows further in from of Ivydene and its adjoining neighbours. As a result, the lane is not of sufficient width to allow two cars to pass each other. Due to the reduced width, it is likely that traffic speeds would be lower than the national speed limit. The appellant has indicated that the site would allow for 23 metres visibility to the east of the site and 15 metres to the west. However, no evidence has been presented to indicate what average traffic speeds might be, and therefore, whether a reduction in the available visibility splay would be appropriate whilst still providing a safe access. Due to the position of the site and the alignment of School Lane it would not be possible to achieve the full DMRB standard. However, the absence of evidence also fails to demonstrate what a suitable visibility splay might be. As a result, it is unclear whether sufficient visibility can be achieved in order to avoid any adverse effects on the safety of road users.
13. The proposed site plan indicates that the frontage of the proposed development would be largely open and would extend approximately the full width of the dwelling. The wide frontage access to the site would result in vehicles taking a number of possible positions and pathways when entering or exiting the site. Due to the potential that vehicles could exit the site from the close to the north eastern boundary of the site which is almost directly adjacent to the junction with the B1121, the available visibility at this point would be very limited. I consider that there is potential for traffic exiting the appeal site to conflict with vehicles entering School Lane from the B1121 as vehicles would exit the site immediately arriving at the junction. I consider this conflict could result in the risk of vehicle collisions. Whilst the appellant has drawn my attention to the presence of 3 pre-existing vehicular accesses and 5 pedestrian accesses

fronting the same area of road, I have no details of these cases before me and I cannot, therefore, be certain that they are directly comparable to the appeal proposal. In light of the above, I consider the proposal would have an unacceptable impact the safety of road users.

14. In light of the above, I conclude that the proposed development would result in harm to highway safety having regard to visibility. As a result, it would fail to comply with policy SCLP7.1 of the SCLP which states that development will be supported where it reduces conflict between users of the transport network including pedestrians, cyclists, users of mobility vehicles and drivers and does not reduce road safety.
15. The proposal would also fail to accord with the provisions of paragraph 108 of the National planning Policy Framework ('the Framework') which seeks to ensure that a safe and suitable access can be achieved for all users.

Character and appearance

16. The appeal site is an area of unused land which is bounded on two sides by approximately 2 metres high hedging. The north eastern boundary of the site includes a number of larger bushes and small trees and the level of vegetation present results in a highly verdant site. There is currently no boundary screening between the site and School Lane which results in the site having a more open character and is therefore highly visible when entering and exiting this part of the lane. The proposed layout plan indicates that the site frontage would remain open and the area in front of the dwelling used for vehicle parking. The very limited frontage screening would result in the scheme frontage being dominated by the parking area. This would result in an overdominance of parking and a more urban character than the surrounding character area where property frontages have softer or more verdant boundary treatments.
17. The surrounding properties on the north-eastern side of School Lane have approximately 1.2 metre high hedge adjoining the lane which make a positive contribution to the rural character of the area. The appellant has indicated the proposed development would provide an approximately 1.8 metre high boundary fence. However, a fence of this nature would appear stark in an area where hedge boundaries provide a softer visual impact. The lack of front boundary screening would result in a particularly open frontage which would not accord with the surrounding development where hedge boundaries are prevalent. As such, the proposed boundary treatments would result in a proposal that would appear out of keeping with the rural character of the surrounding area.
18. The nearby properties in School Lane consist of 2 storey semi-detached dwellings and a short terrace properties. The proposal would provide a two storey detached dwelling which the indicative layout plan indicate would span almost the full width of the site. The adjoining property is the end of a short terrace and has a wide side garden. As a result, the proposed development would not appear as spacious as the neighbouring dwelling resulting in a more cramped form of development than the surrounding area. Due to the proposal being sited on a corner position, its cramped form would be particularly visible to passing traffic as well as being in view when entering or exiting School Lane. As such, the proposal would fail to assimilate positively with the rural character of the area.

19. In light of the above, I conclude that the proposal would result in harm to the character and appearance of the area. As a result, it would be contrary to policies SCLP 7.2, SCLP11.1 and SCLP11.2 of the SCLP which state, amongst other things, that proposals involving vehicle parking will be supported where they take opportunities to make efficient use of land and they include convenient off-street parking of an appropriate size and quantity, that permission will be granted where proposals respond to local context and 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 the Council will have regard to the resulting physical relationship with other properties.
20. The proposal would also fail to accord with paragraph 130 of the framework that indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other matters

21. Concern has been raised about the effects of the proposed development on the Minsmere-Walberswick SPA and Alde-Ore Estuary SPA and Ramsar site. The Conservation of Habitats and Species Regulation 2017 require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where a plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. Whilst there is disagreement as to the distance of the appeal site from points within the designated sites, the Council consider that a financial contribution would be required, by way of a legal agreement or obligation, towards mitigation measures. Although the appellant has indicated their willingness to discuss potential remuneration, there is no agreement or obligation before me to secure such a contribution.
22. Nevertheless, in light of the harm I have identified in terms of the suitability of the location for a new dwelling, highway safety and the character and appearance of the area and conflict with the Development Plan, and as the appeal is to be dismissed for other reasons, it is not necessary for me to address this matter further.

Conclusion and Planning Balance

23. The proposal would make a contribution to housing provision in the area, albeit as it is for a single dwelling this would be limited. The proposal would also bring modest economic benefits in the short-term during the construction phase and in the longer term due to increased local spend in the area.
24. As set out above, I have concluded that the proposal would not be in a suitable location for a new dwelling, would result in harm to highway safety and would harm the character and appearance of the area. The proposal would therefore conflict with the Development Plan when taken as a whole.
25. The benefits of the proposal described above would not be sufficient to overcome the significant harm which I have identified or the statutory presumption in favour of the Development Plan.
26. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR