The Planning Inspectorate

Appeal Decision

Site visit made on 26 January 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/X3540/W/20/3260418
Land adjacent to 48 McLean Drive, Kessingland, Suffolk NR33 7TY

- 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 Ben Habermel-Aldridge against the decision of East Suffolk Council.
- The application Ref DC/20/2172/FUL, dated 15 June 2020, was refused by notice dated 4 September 2020.
- The development proposed is construction of new dwelling on vacant site.

Decision

1. The appeal is dismissed.

Main Issues

2. The effects of the proposal on (i) the safety of highway users and (ii) the European designated nature conservation sites in the wider area.

Reasons

The safety of highway users

3. The single storey dwelling proposed would occupy a vacant parcel of land centrally located within a large estate of housing. In this area the residential development mainly comprises a geometric layout of blocks of small, single storey dwellings, with separate garage courtyards and parking areas. In a lot of cases, the homes are without direct vehicular access onto the estate road but are otherwise served by a network of pedestrian routes.

4. The principle of residential development on this site is not in dispute, as the neighbourhood has a good range of conveniently accessible services. However, quite similar to many of the developed plots, the appeal site is separated from the vehicular highway by a footway, which in this case runs along three of its sides. A vehicular access is proposed to the site from the adjacent end of the cul-de-sac at Turrell Drive. The new entrance would displace two of the five car parking spaces at the hammerhead and cross a pedestrian way to reach the site. The dwelling would be provided four car parking spaces, two to serve the development and two for public use to replace those removed.

5. The proposal seems unsatisfactory for a number of reasons. Firstly, there is no mechanism to secure in perpetuity the two publicly available car parking spaces. Even if they were, the spaces might not be readily recognisable as

being publicly available due to their position beyond a footpath and within an otherwise private curtilage.

6. The unmitigated loss of the two existing spaces at the end of the cul-de-sac would lead to increased competition for on-street parking elsewhere in the vicinity. This would likely result in a greater incidence of obstruction to footways, visibility at junctions and private accesses, all of which would be detrimental to the safety of users of the highway.

7. Secondly, there is insufficient space between a utility pole and the edge of the public footway at the side of Turrell Drive to provide a new access of sufficient width, and with pedestrian visibility splays, necessary to meet local highway authority standards. Such a situation would likely result in vehicles regularly over-running the existing footway on the eastern side of Turrell Drive, thus detracting from highway safety.

8. Thirdly, the parking area in the proposal is not shown to have adequate space for vehicles to manoeuvre and exit in a forward gear. The resulting reversing movements across footways, without suitable mutual visibility between driver and footway users, would be further detrimental to the interests of highway safety.

9. In all, whilst a dwelling might be acceptable in principle on this site, the circumstances are not amenable to one that has both its own vehicular access and on-site parking. Consequently, I conclude that the proposal would have a significantly harmful effect on the safety of highway users in this location, in conflict with Policy WLP8.21 of the East Suffolk Waveney Local Plan 2019 (LP) and the National Planning Policy Framework (the Framework).

European designated sites

10. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) provides strategic measures to off-set the increased recreational disturbance on European nature conservation sites arising from residential growth in this District. As this proposal falls within the recreational disturbance Zone of Influence for a number of European sites along the Suffolk coast[1], the proposed dwelling might have a significant effect on these protected areas when considered in combination with other planned development.

11. To address this situation, the Suffolk Coast RAMS seeks financial contributions from new developments to fund strategic mitigation. Although simply a matter of paying the set tariff, which the appellant is not resistant to, this has not been secured. The lack of mitigation means I am unable to conclude that this proposal would have no adverse effect on the integrity of European sites protected under the Conservation of Habitats and Species Regulations 2017 (as amended). For this reason, the proposal conflicts with LP Policy WLP8.34.

Balance and conclusion

12. The dwelling would be located where there is reasonable access to services and facilities, and the principle of further housing would be acceptable. There would be small social benefits in the contribution made towards housing supply.

[1] Benacre to Easton Bavents Special Protection Area (SPA) and Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC), Minsmere to Walberswick Heaths and Marshes SAC and Minsmere - Walberswick SPA

Clearly, the building work and further household spend would benefit the local economy in a small way.

13. However, these small benefits would be significantly and demonstrably outweighed by the harm identified to highway safety and from the absence of a RAMS contribution. Therefore, the proposal would conflict with the LP when considered as a whole, which is itself broadly consistent with the Framework. Notwithstanding the further detailed points put forward, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector