



Appeal Decision

Site visit made on 13 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021

Appeal Ref: APP/F3545/W/20/3260499
4 Rushford Road, Coney Weston IP31 1BL

- 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 Nathan Lee against the decision of West Suffolk Council.
 - The application Ref DC/20/0556/FUL, dated 16 March 2020, was refused by notice dated 29 July 2020.
 - The development proposed is described as Proposed new storey and half, 3 bedroom detached dwelling, on a plot at the side of the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. During the determination of the application the Council and appellant agreed a change to the description to '(i) 1no dwelling (ii) new access'. I have considered the appeal on this basis.
3. The Council refers to the loss of a section of hedgerow in its delegated report. At my visit a pre-existing hedgerow shown at the front but outside the appeal site had been removed, and an approximately 1.8m fence had been erected along part of the appeal site frontage. I have had regard to this in determining this appeal.
4. Plan/drawing no 2829-005 Rev B has been submitted with the appeal documents showing further details in relation to the new access, visibility splay and its surroundings. I have had regard to this in determining this appeal.

Main Issues

5. The main issues are:
 - whether the development would be an appropriate form of development having regard to policies for the location and type of housing;
 - the effect of the development upon the character and appearance of the area; and,
 - whether the development would achieve a safe and suitable access to the public highway.

Reasons

Location

6. Policy CS1 of the St Edmundsbury Core Strategy (2010) (the CS) sets out a spatial strategy to provide a framework for environmentally sustainable growth, by focussing development within settlements listed within the settlement hierarchy in Policy CS4 of the CS. The appeal site forms part of the garden to No 4 Rushford Road. It is approximately 380m from the settlement boundary of Coney Weston which is an infill village under Policy CS4. Being outside the defined boundary the appeal site is located in the countryside.
7. In the countryside new development is restricted to certain types and for certain purposes under Policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document (2015) (the DMPD). The proposal is for a market dwelling on the side of the plot of No 4, which could be considered a small undeveloped plot under Policy DM5f), which needs to meet the requirements of Policy DM27. There are no residential dwellings in proximity north west of the appeal site on this side of Rushford Road and there is a gap of some 45m between the neighbouring semi and the next pair of semis. Therefore, it cannot be considered to be within a closely knit cluster of 10 or more dwellings, or part of a continuous built-up frontage, required by Policy DM27a) and b). Consequently, the development is not one listed as being acceptable in the countryside in the policies of the CS or DMPD. This was a matter highlighted in the Council's pre-application advice.
8. The Council has referred to some paragraphs of the National Planning Policy Framework (2019) (the Framework) in its reason for refusal. It would not conflict with paragraph 77 as it does not seek to preclude this type of development. Given the proximity to other dwellings, it would not be an isolated home referred to in paragraph 79.
9. However, for the reasons set out above the development would not be an appropriate form of development having regard to development plan policies on the location and type of housing, thereby undermining the adopted spatial strategy for rural housing. It would result in a conflict with the aims of Policies CS1 and CS4 of the CS which seeks to direct development to within the boundaries of defined settlements, and with Policies DM5 and DM27 of the DMPD which restrict development in the countryside to specified types.
10. The Council's reason for refusal cites Policy RV3 of the Rural Vision 2031 (2014). However, as this relates to development within housing settlement boundaries, it is not applicable to this proposal.

Character and appearance

11. This part of Rushford Road is characterised by a distinctive pattern comprising three pairs of semi-detached dwellings within generous verdant plots and considerable spacing between the pairs. The site forms part of the plot of No 4 comprising the driveway/parking area, verdant and landscaped lawned garden, and a single storey outbuilding at the rear. It may no longer be required for supplementing the occupier's income. However, it has a spacious, and largely open and verdant appearance, allowing clear views into the rural landscape beyond the appeal site, contributing to the distinctive pattern of development, positively contributing to the character and appearance of the area.

12. The new dwelling would be of a significant height, width, and depth. Although aspects such as the height and materials would be in keeping with the host dwelling, as a sizeable new detached dwelling it would be highly incongruent with and significantly erode the existing distinctive pattern of development created by the semis, plots and spacing. Therefore, it would be significantly and detrimentally at odds with the existing distinctive pattern of development.
13. While leaving a gap of approximately 7.9m with No 4 and having a lower ridge height, the new dwelling would occupy most of the width of the appeal site plot. The significant increase in built development would result in a further urbanisation of the appeal site adversely affecting the largely rural and open character and appearance of the site and the area. The width of the new access and the open nature of the landscape to the north and west, means the harmful and incongruent nature of the development would be prominently visible from the surrounding area.
14. Therefore, for the reasons set out above the proposed development would have a significant adverse effect upon the character and appearance of the area. Consequently, it would conflict with Policy DM2 of the DMPD, which expects development should recognise and produce designs that address the key characteristics, special qualities of and local distinctiveness of an area, and maintain a sense of place and local character.

Highway safety

15. The approach to the appeal site on the Rushford Road passes the Norwich Lane crossroads and associated signage, and there is good forward visibility of speed limit signage. The appeal site and access would be within the 30mph speed limit zone which starts a short distance west of the appeal site. The widening of and dividing the existing access would result in a new access a short distance closer to the speed limit transition and be likely to result in a small increase in vehicles entering and leaving the highway.
16. The plans before me show how the development could achieve a 59m visibility splay, compliant with the Manual for Streets where the highway has street characteristics for an average speed of 37mph. The lack of footway, limited verge, and limited lighting in the area, suggests this part of the Rushford Road is more likely to constitute a movement dominated carriageway. In such circumstances, the Design Manual for Roads & Bridges states a 59m visibility splay is suitable where the average speed is 32mph.
17. My visit can only represent a brief snapshot in time. Vehicle movements from the north west were frequent, however, from this visit I cannot conclude that the average vehicle speeds are above 32mph. The speed limit signage had good visibility on the approach to the site, so there would be time for drivers to acknowledge and react to it. I am advised there have been no accidents recorded previously at this location. While I note the concerns raised, the substantive evidence before me does not demonstrate that average speeds are above 32mph, or fully explain why the speed limit cannot be relied upon as an accurate reflection of driver speed at this location, and therefore why the visibility splay is inadequate.
18. Therefore, for the reasons set out above, the Council has not demonstrated the development does not provide a safe and suitable access. Based upon the evidence before me, I do not find a conflict with Policy DM2 (L) of the DMPD

and paragraph 108b) of the Framework. In combination these expect development to produce designs in accordance with standards that maintain the safety of the highway network and provide a safe and suitable access.

Other Matters

19. The Council has referred to a conflict with paragraph 11 of the Framework in its first reason for refusal, which sets out the approach to sustainable development. However, there is no evidence before me that the most important policies for determining this application are out of date and that the Council cannot demonstrate a deliverable 5 year housing land supply. Therefore, the approach to sustainable development in paragraph 11d) of the Framework does not apply.

Planning Balance

20. The conflict with the policies referred to brings the development into conflict with the development plan taken as a whole. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration.
21. The development would provide a small temporary economic benefit during construction and once occupied some small on-going spend in the local economy. It would make a small contribution to the vitality of rural communities and services, a more efficient use of the appeal site, and also result in a small social benefit from the provision of an additional dwelling. These benefits of one dwelling are small and attract limited weight in favour of the development. Compliance with policies in respect of the living conditions of neighbouring occupiers and standards in respect of the access are neutral matters that attract neutral weight.
22. However, the proposed development is in conflict with the spatial strategy for the location of new housing and would be significantly harmful to the character and appearance of the area. These are matters that attract significant weight against the scheme. Therefore, the policy compliance and the benefits of the development do not outweigh the harm from the development. Therefore, the appeal should be dismissed.

Conclusion

23. The proposed development conflicts with the development plan taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR