

Appeal Decision

Site Visit made on 11 May 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2021

Appeal Ref: APP/X3540/W/21/3269034

3 Ivy Cottages, The Street, Darsham, IP17 3QA

- 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 Mr Neobard against the decision of East Suffolk Council.
 - The application Ref DC/20/1689/OUT, dated 5 May 2020, was refused by notice dated 3 February 2021.
 - The development proposed is proposed new build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new build dwelling at 3 Ivy Cottages, The Street, Darsham, IP17 3QA in accordance with the terms of the application, Ref DC/20/1689/OUT, dated 5 May 2020, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the appearance, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: TTO.1006.001 (details of access, landscaping, layout and scale only).
 - 5) No dwelling shall be occupied until space has been laid out within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for secure cycles storage, electric charging infrastructure and for the storage and presentation of Refuse/Recycling bins and shall thereafter be kept available at all times for those purposes.
 - 6) Development shall not take place until details of the access onto the highway, including surfacing, dimensions and means to prevent surface water discharge onto the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that access has been constructed in accordance with the approved details. The access shall thereafter be retained.

- 7) The hereby approved dwelling shall not be occupied until space has been laid out within the site for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

Preliminary Matters

2. The original application was made in outline with means of access, layout, scale and landscaping to be considered and I have therefore had regard to drawing TTO.1006.001. I have dealt with the appeal on this basis and considered the other details showing the appearance of the dwelling as being for illustrative purposes only.

Main Issue

3. The main issue is the effect of the development on the safety and convenience of highway users.

Reasons

4. The Street is a C classification rural road with residential properties on both sides, and a speed limit of 30 mph. The road is lined with a mixture of open and enclosed front gardens with a number of properties benefitting from off street parking.
5. The appeal site benefits from an existing crossover which provides access to parking to the side and rear of the property. The proposal would result in the creation of parking spaces to the front of the existing and proposed dwelling.
6. The plan submitted with the application indicates a single parking space for the proposed new dwelling, the Suffolk Guidance for parking 2019 indicates that as a minimum 2 spaces should be provided. The layout plan indicates a single parking space, however the area is of sufficient size to provide 2 parking spaces. The appellant has confirmed that this would be possible and can be secured by an appropriately worded condition. Therefore, I am satisfied that the development would accord with the relevant parking guidance
7. Due to the limited depth of the frontage of the site, vehicles accessing the parking spaces would either need to reverse into or out of the space, which is similar to a number of other properties within The Street. Due to the overall width of the road, and its speed limit, inter-visibility between drivers manoeuvring to and from the site and both drivers and pedestrians approaching along the highway is likely to be good.
8. In addition, given the number of other similar parking arrangements along The Street, the vehicular movements associated with accessing and exiting the parking area would not be unusual or unexpected. Therefore, it is likely that the potential for conflicting movements can be anticipated well ahead by all parties and collisions avoided.
9. I conclude that the development does not have an unacceptable impact on the safety and convenience of highway users. Thus, it accords with policy SCLP7.1 which requires development to reduce conflict between users of the transport network and does not reduce road safety and policy SCLP7.2 which requires the provision of safe, secure and convenient off-street parking.

Other Matters

Special Areas of Conservation, Special Protection Areas and Ramsar Sites.

10. The coast, heaths and estuaries of Suffolk are internationally recognised wildlife assets. They include areas designated as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites. These habitats and the species they hold are protected by UK and the international Ramsar Convention. Each Habitat Site has a zone of influence of 13km and the site lies within Zone B which relates to all the relevant Habitat Sites apart from the Stour and Orwell, as identified by the East Suffolk Council Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2021 (SPD).
11. The Conservation of Habitat and Species Regulations 2017 require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the designated sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
12. Since the development is for one dwelling only, the number of additional recreational visitors would be limited and the likely effects on the designated sites from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
13. The site is within the 13km zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
14. The SPD sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the designated sites.
15. The appellants have provided evidence to demonstrate that they have made a per dwelling contribution to fund the Suffolk Recreational Avoidance Mitigation Strategy (RAMS) to the Council. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
16. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably

related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Conditions

17. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance and where necessary amended them for clarity. As well as the conditions relating to the submission of reserved matters and the time limits associated with this, I have also included a condition specifying the relevant plans as this provides certainty.
18. In order to ensure an appropriate level of parking provision, I have imposed a condition requiring parking spaces to be provided and in order to ensure appropriate standards of highway safety, details of the access to be submitted and for both to be implemented prior to the occupation of the dwelling.
19. I have also imposed a condition relating to refuse and bicycle storage, to ensure that appropriate space is provided within the site for storage of bins and cycles and electric vehicle charging infrastructure.
20. I have not included a condition requiring the submission of visibility splays, as the appellant has already provided evidence which indicates that these would pass over land which is outside of their control and therefore I have considered the appeal on this basis.

Conclusion

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

G Pannell

INSPECTOR

