



Appeal Decision

Site Visit made on 06 July 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/W3520/W/20/3264624

Amberlea, Warren Lane, Elmswell IP30 9DT

- 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 & Mrs Jolyon Sheppard against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/02014, dated 23 May 2020, was refused by notice dated 7 September 2020.
 - The development proposed is erection of new single storey dwelling using existing access together with new access to existing dwelling
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved except for access. I have therefore had regard to the submitted 'Site Location Plan'. I have also had regard to the 'Proposed Block Plan', insofar as it relates to the proposed access arrangements. A dwelling is also shown on the block plan, but this is for illustrative purposes only.

Main Issues

3. The main issues are as follows:
 - The effect of the proposed development on highway safety.
 - The effect of the proposed development on the character and appearance of the appeal site and surrounding area.
 - The effect on the living conditions of neighbouring occupiers.

Reasons

Highway Safety

4. The proposed development includes a new access onto Warren Lane. This would provide access to the existing dwelling, with the existing access used for the proposed dwelling. Warren Lane has a 30mph speed limit and as such the Highway Authority have requested that visibility splays of 2.4m (X) by 43m (Y) are provided in each direction, with no encroachment of the required splays onto third party land. The block plan shows that the visibility splays would cross the front gardens of the neighbouring properties on Warren Lane to the north (Tesima) and south (Tudor Cottage). The Appellant has referred to the

Manual for Streets 2 (2010), which states that a reduction in the 'y' distance 'will not necessarily lead to a significant problem' unless there is local evidence to the contrary.

5. During my site visit, I noted that the neighbouring front garden to the south includes boundary planting which could, in future, result in an obstruction to the visibility from the proposed access. Given that the appellant has no control over the land to the north and south, it is possible that additional visual obstructions may arise in the future, which occupiers of the existing dwelling would be unable to remedy. The proposed access would also be located on a bend in the highway and the highway is narrow, meaning that oncoming traffic from both directions would pass directly in front of the access. These are factors which would exacerbate the impact of poor visibility from the proposed access.
6. The appellant has provided evidence to suggest that there have been no road traffic accidents on Warren Lane. The appellant suggests that these statistics reflect a period of 21 years. However, these statistics relate to cases where 'casualties' were reported. They do not therefore account for accidents which may have occurred where no personal injury has been reported to the police. Indeed, several local residents and the Parish Council have suggested that Warren Lane is hazardous and that access taken from this location would be dangerous. Therefore, whilst the evidence provided by the appellant adds some weight to their case, it is not sufficient to enable me to conclude that there would not be an adverse impact upon highway safety.
7. There are several other access points onto Warren Lane which do not accommodate visibility splays of the dimensions suggested by the Highway Authority. However, the fact that there are existing accesses with substandard visibility, does not justify the harm that the development would cause. The appellant also outlines that Warren Lane is not heavily trafficked and is not one of the main routes into and out of Elmswell. However, no evidence has been provided to support this assertion and no analysis of existing average vehicle speeds or traffic counts has been provided. As such, a reduction in the visibility splays recommended by the Highway Authority has not been justified.
8. Having taken the evidence of both parties into account, I conclude that the proposed development, which would introduce a new access with substandard visibility, would result in an adverse impact upon highway safety. The proposed development would therefore be contrary to Mid Suffolk Local Plan 1998 (Local Plan) saved policy T10, which requires the provision of safe access and egress. There would also be a conflict with National Planning Policy Framework (Framework) paragraph 108, which requires that safe and suitable access can be achieved and that significant impacts upon highway safety can be effectively mitigated.

Character and Appearance

9. The appeal site currently comprises part of the rear garden of Amberlea on Warren Lane and is also located to the rear of the neighbouring property known as 'Tesima'. Development on Warren Lane, in the vicinity of the appeal site, predominantly comprises a linear layout, with single storey properties, typically located within spacious plots and set back from the highway. However, the character of development directly to the south of the appeal site is clustered and does not have a linear character. Furthermore, evidence provided by the

appellant demonstrates that there are other examples of development in depth in the surrounding area.

10. Whilst all matters relating to the design of the dwelling itself are reserved, the appellant has provided a block plan which shows how a dwelling could potentially be accommodated within the plot. I consider that this indicates that the proposed development could be accommodated within the appeal site, with ample room for outdoor space and planting. The dwelling as shown has a relatively large footprint, which reflects the scale of some of the surrounding development. However, I see no reason why it could not be reduced in size, for example, to match the scale of Tesima, directly adjacent. The Council has suggested that the reduction in the size of the garden associated with Amberlea would also have a detrimental impact upon the character of the area. However, a sufficiently large outdoor space would be retained and there would be no visual harm when viewed from Warren Lane in this regard.
11. The development of the appeal site would serve as a transition from the clustered layout to the south and the more linear layout to the north. In this regard it would not be discordant with the layout of development in the surrounding area.
12. Notwithstanding the fact that the design of the development is a reserved matter, sufficient evidence has been provided to demonstrate that the site is capable of accommodating a dwelling which would be in keeping with the character and appearance of the surrounding area. As such, the proposed development would comply with Local Plan saved policies, GP1, H13 and H15, which each require in part that development enhances and is in keeping with local character.

Living Conditions

13. The Council has suggested that the proposed development would have an adverse impact upon living conditions, with regard to 'an intensification of use'. In terms of any intensification of the site, the proposed development would only provide one dwelling, within the context of an existing residential area. The access, which extends up to the highway, adjacent to Tesima, is an existing access which is already in use. Therefore, there would be no adverse impact upon the occupiers of neighbouring properties, with regard to noise and disturbance from vehicle movements.
14. The Council suggests that the close proximity of the proposed dwelling to Tesima would result in harm to living conditions. No evidence has been submitted to support this assertion and no specific impacts upon living conditions have been identified. There is existing planting on the boundary with this neighbouring property which currently screens the appeal site, which could be retained and enhanced. The appellant has suggested that the proposed dwelling would be single-storey. The illustrative layout shows that the site is capable of accommodating a single-storey dwelling without any adverse impacts upon neighbouring occupiers with regard to privacy, outlook or loss of natural light.
15. The proposed development would therefore comply with Local Plan saved policy H16, which seeks in part to protect the living conditions of neighbouring occupiers.

Other Matters

16. The appellant has suggested that there would be economic, social and environmental benefits associated with the proposed development and there would therefore be support from Framework paragraph 8, which sets out the principles of sustainable development. There would be social and economic benefits associated with the provision of one market dwelling. The appellant suggests that the environmental benefits are associated with the accessibility of the site, with less onus on travel by motor vehicles. Whilst this may be the case, this would not be a benefit of the proposed development and would have a neutral effect. Whilst I recognise that there would be benefits associated with the proposed development, these would not be sufficient to outweigh the adverse impact upon highway safety.

Conclusion

17. The proposed development would not result in harm to the character and appearance of the surrounding area, or upon living conditions. However, there would be an adverse impact upon highway safety. As such, the proposed development would conflict with the development plan taken as a whole. There are no other considerations which would outweigh this conflict. For these reasons, I consider that the appeal should be dismissed.

Luke Simpson

INSPECTOR