
Appeal Decision

Site visit made on 15 February 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/X3540/W/21/3278933

37 and 39 Field Lane, Kessingland, Lowestoft, NR33 7QA

- 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 Gerald King against the decision of East Suffolk Council.
 - The application Ref DC/20/4991/FUL, dated 7 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is the construction of 2 No. Dwellings and Garaging with Associated Works, Including; Alterations to Existing Dwellings, Creation of Vehicular Access and Provision of Landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of No.37 and No.39 Field Lane having regard to noise and disturbance.

Reasons

3. The appeal site is an area of grassed land containing a timber outbuilding located to the rear of No.37 and No.39 Field Lane. The proposed dwellings would be accessed from Field Lane via a private access road that would run between No.37 and No.39. The site is inside the development boundary and Kessingland has a number of services and facilities which is not disputed between the parties.
4. The proposed access road would have a width of 5.1 metres at its entrance narrowing to 4.5 metres where it passes between No.37 and No.39 Field Lane. As such, due to its limited width, vehicles accessing the proposed dwellings would pass in very close proximity to the flank walls of the two existing dwellings. Whilst the proposal also seeks to remove a window in the side elevation of No.39 so that vehicles would pass a blank wall, there would remain windows in the side elevation of No.37 and there would be no buffer or screening between the access road and the existing dwellings. As such, vehicles passing in between would result in noise and disturbance to occupiers of the existing dwellings.
5. Due to the narrow width of the access, there is no evidence to suggest there would be sufficient width to allow two cars to pass simultaneously. As a result, cars would likely have to wait at either the site entrance or in a position towards the proposed rear garden boundary of No.39 in order to allow another

vehicle entering the site to pass. As such, vehicles waiting to pass one another would be located in very close proximity to the front or rear of the existing dwellings including when using their garden with engines running which would result in noise and disturbance to occupiers of No.39.

6. The appellant has indicated that the number of vehicle movements arising from the 2 proposed dwellings would be limited; however, the proposal also shows that the parking spaces for No.37 and No.39 would be located to the rear of the two existing dwellings which would result in further movements from the existing dwellings along the proposed access road. Furthermore, there are likely to be additional movements generated by visitors and delivery vehicles to the proposed dwellings, and as such, the cumulative number of movements into and out of the site via the narrow access point could, over time, be considerable. I consider that the considerable number of movements would result in significant disturbance to occupiers of No.37 and No.39.
7. The proposal would be located close to the B1437 road, and at the time of my visit the road was very lightly trafficked. As a result of the low level of background noise, I consider that the vehicles passing between No.37 and No.39 would still give rise to potential noise and disturbance which would be experienced above the level of any background traffic noise.
8. The appellant has indicated that the potential for noise disturbance could be mitigated through the imposition of a condition to secure a suitable bonded surface for the access road to avoid any 'crunch' of vehicles passing over unbonded gravel type surfacing. Whilst such a condition would be capable of addressing noise from wheels passing over an unbound surface, this would not be sufficient to mitigate the sound of engine noise. Even with a bound surface, the sound of vehicles passing along the access would be experienced by occupiers of the existing dwellings including when utilising their rear gardens.
9. The appellant considers there is sufficient space on site to enable the erection of acoustic fencing to limit the effects of noise. However, there is no evidence before me to demonstrate that this would be sufficient to mitigate the effects of vehicle movements. Furthermore, there is no evidence to demonstrate that acoustic fencing would not result in other harm including any further narrowing of the access road or to the character or appearance of the area.
10. In light of the above, I conclude that the proposed development would harm the living conditions of occupiers of No.37 and No.39 Field Lane having regard to noise and disturbance. As such, it would fail to comply with policies 8.29 and 8.33 of the adopted Waveney Local Plan (2019) (WLP) and Policy H2 of the Kessingland Neighbourhood Plan (2017) (KNP) which respectively seek to protect the amenity of neighbouring uses, ensure that the living conditions of proposed and existing properties are not unacceptably harmed and that proposals should protect the amenity of neighbours.
11. The proposed development would also fail to accord with paragraph 130(f) of the National Planning Policy Framework (NPPF) which states, amongst other things, that development creates places with a high standard of amenity for existing and future users.

Other Matters

12. A number of concerns have been raised by third parties in respect of the effect of the proposal on highway safety and foul water drainage. However, as I am dismissing the appeal for other reasons it is not necessary for me to address these matters further.
13. The proposed development would bring economic benefits through job creation and in the accompanying materials supply chain, albeit these would be temporary during the construction period. Social benefits would arise as a result of future occupiers utilising local services and facilities and engaging in community activities. Whilst the proposal would not result in harm to the environment, the loss of an area of grassed land would result in a neutral effect.

Conclusion

14. Whilst the proposed development would result in a number of benefits as set out above, as the proposal is for two new dwellings, the benefits would be limited and not sufficient to outweigh the harm I have identified in the main issue.
15. For the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR