



Appeal Decision

Site visit made on 17 April 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/X3540/W/23/3326401

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 (as amended) 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 is DC/23/0038/FUL.
 - The development proposed is construction of new dwelling on vacant site; provision of off-street parking on land at 2 Smith Crescent.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of new dwelling on vacant site; provision of off-street parking on land at 2 Smith Crescent, at Land adjacent to 48 McLean Drive, Kessingland, Suffolk, NR33 7TY, in accordance with the terms of the application, Ref DC/23/0038/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development on i) the character of the area with particular regard to the provision of segregated parking, and ii) the integrity of designated habitat sites.

Reasons

Character of the area

3. The appeal site comprises an open and undeveloped parcel of land, which is bound by public footpaths on three sides. There are blocks of terraced bungalows to the north, south and west of the site and a public playground area to the east. The end terraced property to the west of the site is two-storeys high. The site is bound by a low picket fence except for where it adjoins the rear garden of 48 Mclean Drive, which is bound by a higher solid timber fence with trellising above it.
4. Like many of the properties in this area, the appeal site does not have direct vehicular access. Instead, it is linked to local facilities including Doctors surgery, public library, convenience store, local shops, primary school and play areas by a series of footways. I also noted bus stops nearby and I am advised that bus services run regularly during the day. Secure bicycle storage is proposed, and the area is one in which facilities can be safely accessed by bicycle. As such, future occupiers of the proposed dwelling need not be reliant upon private cars to meet their everyday needs. However, on street parking and parking courts, some of which have spaces allocated to specific properties,

are available for those property occupiers that do have cars and do not have private off-street parking within the curtilage of their dwellings.

5. The proposal includes the provision of two car parking spaces on part of the side garden to 2 Smith Crescent. This would be accessed from Turrell Drive and would be adjacent to an existing row of private car parking spaces. These parking spaces would be close to the proposed dwelling and access between the two could be achieved safely via existing footways and the provision of a side gate into the rear garden of the proposed dwelling. Similar car parking arrangements exist at the side and rear of corner properties throughout the estate and as such are characteristic of the area.
6. At the time of my visit, it would not have been possible to park on the street in front of the proposed parking spaces due to the width of the road and the presence of a vehicle parked on the road directly opposite. It would however have been possible to manoeuvre in and out of the proposed parking spaces. As such I do not agree that the proposed spaces would result in a loss of on street parking for others or increase parking stress in the area. Moreover, the proposed parking spaces and dropped kerb could be constructed in association with 2 Smith Crescent without planning permission and subsequently sold or let.
7. I therefore conclude that the segregated car parking provision would not be unduly inconvenient for future occupiers of the proposed dwelling and that the provision of a modest bungalow with two allocated off site parking spaces, in a highly sustainable location whereby occupiers would not need to be reliant upon private cars, would not result in a car dominated environment or negative impact on the character of the area.
8. Accordingly, the proposal would accord with Policies WLP8.29 and WLP8.33 of the East Suffolk Council Waveney Local Plan (2019) (the local plan) and Policy H2 of the Kessingland Neighbourhood Plan 2016-2030 (2017), which seek to ensure, amongst other things, that new development proposals respond to local context and provide adequate, well integrated, car parking that avoids the use of front gardens and the perception of a car dominated environment. I also find no conflict with the National Planning Policy Framework in respect of parking and design matters.

Designated habitat sites

9. The appeal site lies within a Zone of Influence (ZoI) covering multiple designated habitat sites along the Suffolk Coast. These sites were designated to protect a variety of breeding and non-breeding birds. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment.
10. Future occupiers of the proposed dwelling may well travel to the Suffolk Coast for recreational purposes, such as walking, jogging, cycling and dog walking. Activities such as this, which result from population increases, can disturb and damage special habitats and their qualifying features.
11. Although this development alone would have a negligible effect on any designated sites, it is necessary to consider the cumulative effects of residential developments in the area, which are significant. The Council, in conjunction

with other nearby Councils and Natural England, have produced and adopted the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS') to manage the effects of new developments within the ZoI.

12. A financial contribution has been made to the Council, which would be used towards providing the mitigation measures set out in this document. The Council is satisfied that as a result of this mitigation payment the development proposed would have no adverse effect on the integrity of any designated habitats sites. Natural England has also confirmed that it is content that the financial contribution made by the appellant towards the delivery of mitigation measures is sufficient to avoid adverse effects on the integrity of affected European Sites.
13. I therefore conclude that the proposal would not have an adverse effect on the integrity of any designated habitats sites and would accord with Policy WLP8.34 of the local plan, which seeks to ensure that appropriate mitigation is secured to enable the delivery of development without harm to habitats sites. The proposal would also accord with the Framework and the Habitats Regulations.

Other Matters

14. I acknowledge the concerns raised regarding drainage and flood risk. However, no objections have been raised by the relevant authorities and this was not a reason for refusal in relation to the case currently before me, or in relation to the previous applications and appeals on the site that have been brought to my attention. The disposal of foul and surface water from new buildings and associated hard surfaces to the point of connection into a public system is controlled by Building Regulations, and a condition will be imposed to ensure surface water drainage does not run onto public roads or footpaths. The maintenance and capacity of public sewer system is the responsibility of the water authority.
15. The appearance of the detached bungalow, with its two front gables and central flat roof, would be different to that of the adjacent terraced bungalows, which have shallow pitched roofs with gables to the side. However, the front elevation would follow the existing building line, the rear elevation would not project beyond the rear extensions of bungalows to the north, and the new dwelling would be similar in terms of height to those around it. Given the presence of a large two-storey gable fronted building at 46 Mclean Drive, immediately to the rear of the proposed dwelling, the building line and uniformed appearance in views from the south has already been somewhat diluted and as such, the proposed bungalow would not harmfully detract from the appearance of the area.
16. The development would result in the loss of small area of garden and soft landscaping, which would change the appearance of the site and the outlook for occupiers of those bungalows directly facing it. However, the front and side gardens would remain open and the rear garden wall adjacent to the footway would be in line with those to the north. The roof of the new dwelling would slope away from the bungalows at 18-22 Turrell Drive, reducing its visual impact. Having walked around the area, I am satisfied that the proposal would retain a sufficient level of openness.
17. As the proposed dwelling would be single storey, and the only window in the south elevation facing the bungalows opposite the footway would be an

obscure glazed bathroom window, there would be no loss of privacy to occupiers of adjacent dwellings. Moreover, the front of the adjacent bungalows, like the frontages of most residential properties, are adjacent to a public footway and have very limited privacy.

18. The requirement to provide electric vehicle charging points is covered by other legislation and I see no reason why it would not be possible to provide these within the parking spaces proposed. Whilst some disruption is inevitable with any development, the proposal in this case is small and a condition can be imposed to ensure this is appropriately managed and minimised.

Conditions

19. In addition to the standard time limit and list of approved drawings, I have imposed conditions requiring details of the materials, boundary treatment and landscaping to be agreed, which are necessary to ensure the development has a satisfactory end appearance that is in keeping with its surroundings. Due to the limited car parking in the vicinity of the site, it is necessary to impose a condition requiring the approved off-site car parking spaces be provided prior to the construction of the dwelling. To encourage future occupiers to use alternative means of travel, a condition to ensure the approved cycle storage is provided prior to the first occupation of the dwelling is also necessary. Due to the restricted site access and the proximity of other residential properties to the site, a management plan is necessary to minimise the disruption caused to local residents during the construction phase. As surface water drainage details have not been submitted, it is necessary to condition this to ensure the development is satisfactorily drained. High water efficiency standards need to be demonstrated in order to comply with the development plan and finally, as a precaution, a condition is imposed to ensure that development is suspended, and appropriate action taken, in the event that any contamination is discovered.
20. As the bathroom is not a habitable room and as any other new windows inserted in the south elevation would not overlook the front windows of the dwellings opposite the site any more than users of the public footpath that runs along the boundary of their front gardens, I do not consider it necessary to prevent the installation of new windows or to require the use of obscure glazing, albeit this is likely to be used to provide privacy to the bathroom anyway. As there is plenty of space within the site for the presentation of waste and recycling bins on collection day without obstructing the footways, a condition to control this is not necessary. As the provision of EV charging points is now covered by Building Regulations it is not necessary to condition this.
21. I do not consider it necessary to remove all permitted development rights and I am not aware that these have been removed from other dwellings in this area. However, it is necessary to ensure the areas to the front and side of the new dwelling remain open, except for some appropriate low level boundary treatment, to protect the character and appearance of the area and to ensure natural surveillance is maintained for users of the footways.
22. The visibility splays sought are not included in any red or blue line boundaries and it has not been demonstrated that they can be achieved or that they are within land controlled by the appellant or the highway authority. Given the location of the parking bays, any obstruction would be limited to planting and other parked vehicles. The access is close to the end of a quiet cul-de-sac

whereby there is limited passing traffic and speeds are low. As such the condition is not necessary.

Conclusion

23. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 153902 Rev.M.
- 3) No works to construct the approved dwelling shall commence until the approved car parking spaces have been constructed in accordance with details shown on the approved plan, surfaced with a bound material and made available for the parking of vehicles. The parking spaces shall thereafter be retained and made available for their intended purpose at all times.
- 4) No works to construct the approved dwelling shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No works to construct the approved dwelling shall commence until details of the boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 6) No works to construct the approved dwelling shall commence until details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No works to construct the approved dwelling shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the following:
 - i) the parking and turning of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from site clearance, excavation and construction works;
- vii) delivery and construction working hours;
- viii) details of traffic management including routes for construction traffic; and
- ix) a communications plan to inform local residents of the program of works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 8) The dwelling hereby approved shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The scheme shall include measures to prevent the discharge of surface water from the development, including the car parking spaces, onto the public footways or highway.
- 9) The dwelling hereby approved shall not be occupied until evidence of how the required water efficiency standard of 110 litres per person per day will be achieved has been submitted to and approved in writing by the Local Planning Authority. Any measures incorporated into the building to ensure the required standards can be achieved shall be retained in perpetuity.
- 10) The dwelling hereby approved shall not be occupied until the secure cycle storage has been provided in accordance with the approved drawing. The cycle storage shall thereafter be retained at all times.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) (with or without modification), no extensions, buildings or structures, except for any boundary treatment agreed under condition 5, shall be erected forward of the front or south side elevations of the approved dwelling.
- 12) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.