
Appeal Decision

Site visit made on 28 August 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 September 2024

Appeal Ref: APP/X3540/W/24/3338757

78 Victoria Road, Woodbridge, Suffolk IP12 1EL

- 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 Philip Ashenden against the decision of East Suffolk Council.
 - The application Ref DC/23/3608/FUL, dated 18 September 2023, was refused by notice dated 14 December 2023.
 - The development proposed is erection of a new 2 storey detached 1 bedroom dwelling. Land to the south-west of Wilderness Lane, Woodbridge.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal would be suitably located having regard to the pattern of development in the area, including access only being secured via Wilderness Lane.

Reasons

3. The appeal location is characterised by linear development in an established line along the northern side of Victoria Road. The properties here benefit from long, open rear gardens that are bounded at their end by Wilderness Lane. Beyond Wilderness Lane to the north, the character becomes more sylvan with large, detached houses on Pytches Road set spaciouly within mature trees. There is only a limited sense of the housing on Pytches Road when within Wilderness Lane.
4. Wilderness Lane extends for some distance as an unmade track of a single vehicle width from Sun Lane in the east. From its eastern end it serves a handful of long-established dwellings which are generally positioned to the rear and to the north of existing dwellings on Victoria Road. The last property on Wilderness Lane is No.23 which is broadly parallel with No.54 Victoria Road. This back-to-back pattern of housing development is a moderate distance to the east from the appeal site, separated by several long rear gardens.
5. The track narrows and proceeds from No.23 Wilderness Lane along the rear gardens of Victoria Road before coming to two sizeable outbuildings at the rear of properties on Victoria Road. There is no formal or recognisable turning point at this location which is also the physical limit of vehicular access. After this point Wilderness Lane narrows further to a footpath only. It doglegs through two sharp 90 degree turns before running behind the slightly shorter depth of the rear gardens at the western end of Victoria Road, including the appeal site

- at No.78. The dirt path at Wilderness Lane then proceeds up a slight incline to reach Fitzgerald Road.
6. The character on Wilderness Lane from the last dwelling at No.23 through to Fitzgerald Road is of a quiet, secluded, enclosed pathway. The houses on Victoria Road are set back an appreciable distance from the path due to the depth of the intervening rear gardens. There is a strong sense in the part of Wilderness Lane at the appeal location of being in a quiet, backland area between the gardens of Victoria Road and wooded grounds on Pytches Road. The proposed dwelling would have no immediate neighbours or sense of being part of a close-knit community when within Wilderness Lane. It would be palpably divorced from other residential dwellings resulting in a poor functional relationship to the community in this part of Woodbridge. Future occupiers of the building would experience a moderately harmful degree of social isolation given the orientation and secluded position of the proposed dwelling.
 7. As set out above, the nearest dwelling on Wilderness Lane is some distance to the east. As such the appeal proposal would not be located where there is a prevailing character of houses fronting onto Wilderness Lane. There remains a strong sense of undeveloped rear gardens in this part of Woodbridge, with only occasional sizeable ancillary outbuildings.
 8. I recognise that the proposed dwelling would broadly reflect the scale and appearance of the residential annexe building already approved on the appeal site. It would also be of a comparable scale and appearance to the two sizeable outbuildings on Wilderness Lane a short distance to the east. However, the appeal proposal would not be a characteristic ancillary building. Due to its sole access onto Wilderness Lane and how the building would be occupied for everyday living, it would clearly appear and function as an independent dwelling. This would not be characteristic of this quiet, secluded area. It would be an oddly situated dwelling, out of kilter with the established pattern of housing.
 9. The proposed dwelling would only be accessible from the footpath along the western part of Wilderness Lane. This path is unmade and unlit at the appeal location. As it passes along the quiet rear gardens to the south and mature trees to the north Wilderness Lane it would be an unfavourable environment at night for anyone walking to the proposed dwelling. It is a moderate distance from the nearest made highway at Fitzgerald Road and the dwellings on this road. The proposed dwelling would also be some distance from No.23 Wilderness Lane and the pattern of housing extending eastwards described above. As such pedestrian access to the proposed dwelling would be uncomfortably isolated with little natural surveillance. Whilst some lighting does exist between the appeal location and No.23, it does not extend all the way to the appeal site including the dogleg arrangement, reinforcing the secluded position of the proposed dwelling.
 10. The detached position of the proposed dwelling would be compounded by the lack of easy vehicular access within the immediate environs of the dwelling. This would be an issue for bulky deliveries, bin collections and emergency services. It would also be an issue were any future occupiers of the proposed dwelling to have mobility issues. Any reliance on the nearest part of very narrow track element of Wilderness Lane to the east providing suitable vehicular access close to the proposed dwelling would be misplaced. It is

difficult to see how a car or taxi could regularly collect or drop-off at this narrow point, including potential conflict with pedestrians using what is a pleasant path into the town. Moreover, an ambulance or fire engine could not reasonably negotiate this very narrow dead-end track beyond No.19 Wilderness Road where there is the last recognised turning point.

11. The alternative would be to access to the property via the path from Fitzgerald Road, but this would involve bulky deliveries and emergency services having to negotiate an appreciable length of unmade, relatively narrow path to reach the property. This would be unsatisfactory. The appellant submits that the path to Fitzgerald Road would be an acceptable haul route and distance for taking bins for collection. This would involve dragging bins over an unmade path up a slight incline to reach the highway, which would be challenging for elderly or less able occupiers of the dwelling. Notwithstanding, the long-range photograph at Figure 2 of the appellant's statement of case, the position of a large oak tree on the corner of the path to Wilderness Lane to Fitzgerald Road and the generally narrow width of the footway along this road it is challenging to see where bins could be safely placed for collection. This adds to my concerns about the detached relationship of the proposed dwelling to the nearest made highway.
12. The appeal site benefits from planning permission for an annexe associated with the host property at No.78. Whilst the annexe would be accessible via the retained gate onto Wilderness Lane it would also be an integral part of the curtilage of No.78 with access to Victoria Road through the garden and side path. Whilst I note from the approved plans for the annexe that there would be scope for independent living, the structure would nonetheless have a relationship and degree of dependency on the host dwelling across the open rear garden. As such there are material, functional differences between the annexe and what is proposed as a separate dwelling.
13. The appellant states that the annexe cannot be implemented due to difficulties in securing funding. Consequently, it is asserted that the proposed dwelling would provide a viable solution to accommodate the appellant's parents and the ability to provide for their care would be a social benefit in favour of the appeal proposal. However, the personal financial circumstances of the applicant are not ordinarily a material planning consideration. Whilst I am sympathetic to the plan for the appellant to provide intergenerational care, the appeal proposal if allowed would result in a permanent new dwelling in an unsuitable location, capable of being occupied in the future by persons with no link or association with No.78. The evidence that the consented annexe is not capable of being implemented is very limited.
14. The appellant has referred to other developments in Woodbridge which are claimed to be comparable to the appeal proposal in terms of houses primarily accessible by foot only. I have relatively few details about these developments, none of which appear to be recent and are located at various distances from the appeal site such that do not replicate the circumstances at Wilderness Lane. Nonetheless, despite the scant details, I have endeavoured to visit them.
15. The site at North Hill is currently under construction/re-development such that it is not clear what the comparable development is and whether it still exists. In relation to The Stables, off Pytches Road and No.3a Thoroughfare I observed

that vehicular access and off-street parking appear to be closer to these properties than the appeal site with a better standard of pedestrian connectivity. Whilst the properties at Haughgate Close enjoy a front door onto the quiet tarmac, streetlit footpath they also benefit from direct vehicular access at the rear of the properties including access to garages. Overall, the appellant has failed to persuade me that the appeal proposal would fit a pattern of similarly positioned and accessed dwellings across Woodbridge.

16. I therefore conclude that the appeal proposal would not be suitably located having regard to the pattern of development in the area and due to access only being secured via Wilderness Lane. The proposal would be contrary to Policy SCLP5.7 of the Suffolk Coastal Local Plan (SCLP) 2020 which requires infill and garden development for residential development to, amongst other things, be well related in its design to adjacent properties including access. It would also be contrary to Policy SCLP11.1 of the SCLP which requires high quality design, including amongst other things, a demonstration of the character of the built environment, responding to local context including fitting in well with the existing neighbourhood layout and creating permeable and legible developments which are easily accessed, and capable of being used by all, regardless of age, mobility and disability.
17. The LPAs decision notice cites a conflict with SCLP Policy SCLP7.2 on parking proposals and standards. The site is reasonably close to the town centre such that a car free development would not appear to be harmful per se. I have relatively little information to demonstrate that any on-street parking generated by the appeal proposal would be harmful in terms of highway safety or the efficient operation of the highway. Whilst I find no direct conflict with Policy SCLP7.2, this does not overcome the overarching design concerns set out above in terms of the limited accessibility via a poor standard of unmade path which would only be readily reached by able persons on foot.
18. In addition to the conflict with the development plan policies the appeal proposal would also fail to accord the National Planning Policy Framework (NPPF) at paragraphs 114 and 116 which state that safe and suitable access to the site should be achieved for all users, address the needs of people with disabilities and allow for the delivery of goods, and access by service and emergency vehicles. The proposal would also conflict with NPPF paragraph 135 which states that decisions should ensure that developments will function well, are sympathetic to local character, including the surrounding built environment and create places that are safe, inclusive and accessible.

Other Matters

19. The Local Planning Authority's (LPAs) decision notice identifies two reasons for refusal. The second reason related to the absence of mitigation to address the likely significant effects arising from an additional dwelling in terms of recreational disturbance adversely affecting the qualifying features of proximate protected habitats. The appellant has directly paid the required sum of money for mitigation measures to the Council and provided proof of payment. As part of the appeal the LPA confirm that following this payment, they no longer pursue this reason for refusal. However, as the appeal is to be dismissed, there is no need for me to undertake an appropriate assessment or to have regard to the Conservation of Habitats and Species Regulations.

Conclusion

20. I have had regard to all other matters raised, but there is nothing that leads me to conclude other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.