



Appeal Decision

Site visit made on 15 May 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/X3540/W/25/3360082

Land adjoining 83 Colville Road, Lowestoft, NR33 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by D D Alger and Partners against the decision of East Suffolk Council.
 - The application Ref is DC/24/2169/OUT.
 - The development proposed is the erection of single storey dwelling and all associated works.
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Decision

1. The appeal is dismissed

Preliminary matter

2. The application is in outline with all matters reserved, save for access which is to be considered as part of this appeal. The submitted plan shows a possible layout, but this is for illustrative purposes only.

Main Issues

3. The main issues in this case are: i) whether the proposal would create safe access from the highway, particularly in terms of pedestrian activity at an entry to a primary school and visibility splays to the site entrance; ii) whether the proposal would have a harmful effect on trees.

Reasons

4. The site is vacant parcel of flat land of approximately 246 m², containing bramble and grass and some trees, located on Colville Road. It is within the settlement boundary of Lowestoft. There is a track, serving as a footpath/private drive, that serves Dell Primary School to the rear (located off Dell Road and Winston Avenue) that runs parallel with the north-eastern site boundary. The site has direct road frontage onto Colville Road to the southeast, and there is residential development to the side (southwest) and to the rear (northwest). There are no parking restrictions in force along Colville Road. There is no objection in principle to housing development in this location.

Whether the proposal would create safe access from the highway

5. The essential elements relating to the position of the access and its configuration relate to the proximity of the track that runs down the north-eastern side of the site and meets Colville Road where there is a pedestrian barrier of tubular steel. This barrier is placed in this position, it would seem, primarily because the track is a

means of pedestrian access to and from the Dell Primary School. The school, located off Dell Road and Winston Avenue, is quite a long way down the track. I have no information about the extent of use of the track by parents and pupils, but I must assume that at times when pupils arrive and depart, this is a situation of potential hazard.

6. The site has sufficient visibility splays for vehicles exiting from the proposed access, but in the eastern direction, these splays intersect with the pedestrian barrier. For the appellant, it is argued that the barrier does not make any significant obstruction to visibility. However, it would at least be a distracting factor. The site access would also mean that the dropped kerb for the track would be extended. The council maintains that this would create an informal crossing point contrary to pedestrian safety. I consider this to be a minor point, but it would, to a degree, negate the safety feature of the barrier.
7. In any event, I consider that an access at this point, to be acceptable, must provide for vehicles to enter and leave in a forward gear. It certainly would be unsafe for a vehicle to reverse, either off the road or onto it. The manoeuvring space to provide for this was not demonstrated on the application plan. Revised plans have been submitted, the final one being provided with the appeal documentation. Since the parking arrangements would be intended to provide for two cars, the essential need is for space to allow one car to enter and leave in a forward gear in situations where another car is already parked. The submitted plan showing vehicle tracks appears to be something of a free hand drawing. In any event, it is not a convincing illustration of how the space in front of the proposed bungalow would be sufficient to allow two cars to be accommodated, one of which would manoeuvre in and out in a forward gear in the presence of the other.
8. I consider that this shortcoming, together with the proximity of the school access and pedestrian barrier, is sufficiently harmful to highway safety, both for pedestrians and vehicles, that planning permission for the appeal proposal should not be given.

Whether the proposal would have a harmful effect on trees

9. An Arboricultural Impact Assessment to assess the impact of the development on trees located within the site (Farmland Forestry, 11 November 2024) has been submitted with the appeal. Clearly this was not available to the council at the time of determining the application. The council's statement of case makes no criticism of this document, and indeed it supplies the necessary assessment.
10. The area has a medium level of bramble and grass coverage with various groups of self-set, semi mature Elm and Sycamore. These are all in different states of health, with several being dead. The assessment addresses initially the constraints imposed by the trees to any proposals, assesses the likely impact of the proposed development on those trees, and provides recommendations for the protection of the retained trees throughout any construction work. All findings are based on BS 5837: 12 'Trees in relation to design, demolition and construction'. I consider that the second issue is satisfied.

Other matters

11. The housing land supply position for the Waveney area, as at 31 March 2024 has been updated to a figure of 3.33 years. In light of this, the council is unable to

demonstrate a 5-year housing land supply in the Waveney Local Plan area, and paragraph 11 d), of the National Planning Policy Framework (NPPF) in favour of sustainable development, is therefore engaged.

12. The appellant argues that this means that permission for a new dwelling should be given. It is also pointed out that the NPPF, among other matters, supports the development of small and medium sites, the development of brownfield and windfall sites, and sites with sustainable transport availability. In addition it is suggested that the development would contribute to the 3 objectives of sustainable development: economic, social and environmental. But such matters as contributing to the local economy and adding a dwelling to social capital are very small benefits.
13. Having considered these matters, a single dwelling would make a minimal impact on the housing land supply, and the 3 objectives mentioned. Brownfield land and small sites are to be encouraged, but only where a satisfactory scheme of development can be put forward.

Conclusion

14. For the reasons set out above I am led to the conclusion that the deficiencies of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the local plan and of the NPPF taken as a whole. Therefore the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR