
Appeal Decision

Site visit made on 21 September 2016

by Andy Harwood CMS MSc MRTPI

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

Decision date: 13 October 2016

Appeal Ref: APP/Q3305/W/16/3152626

6 Frome Road, Rode, Frome BA11 6PW

- 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 and Mrs E Boyce against the decision of Mendip District Council.
 - The application Ref 2015/1431/OTS, dated 18 June 2015, was refused by notice dated 11 March 2016.
 - The development proposed is a redevelopment to replace existing dwelling and garage with 5 No new dwellings and associated garages.
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Decision

1. The appeal is allowed and planning permission is granted for a redevelopment to replace existing dwelling and garage with 5 No new dwellings and associated garages at 6 Frome Road, Rode, Frome BA11 6PW in accordance with the terms of the application, Ref 2015/1431/OTS, dated 18 June 2015, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs E Boyce against Mendip District Council. This application is the subject of a separate Decision.

Procedural Matters

3. This is an outline proposal and although initially submitted with a proposed layout, the appellant confirms that this should be considered as being indicative of one possible option. The Council dealt with the proposal on the basis that the only detailed matters being considered were access and scale of development. I will do the same taking account of the revised plan (13127.01-B) which is referred to on the Council's decision notice.
4. Reference has been made to a potential need to re-align the public footpath that adjoins the site. If that is the case, it would need to be subject to a separate procedure although the Council's committee report gives a view that this is not necessary. I have taken into account the presence of the footpath in my decision as a material consideration but the need or otherwise for a diversion is not a matter for me to deal with in this appeal.

Main Issue

5. The suitability of the site for the 5 dwellings proposed with respect to the effect
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upon highway safety due to the increased use of the accesses onto Frome Road.

Reasons

6. The appeal site currently includes a modest bungalow which is set well back from Frome Road (A361). A garage with a driveway in front leads to the existing access in the south west corner of the site (the southern access). Another entrance exists to the northern part of the site which is set behind the roadside verge (the northern access). The indicative layout shows 2 of the dwellings being accessed from the southern access and 3 from the northern access.
7. The site is positioned on the inside of a bend along the A361. The road was busy at the time of my site visit and this confirms what has been said within the representations. It is a route used regularly by Heavy Good Vehicles and does provide a hindrance for pedestrians from the site reaching the facilities such as the public house and church on its north western side. I found crossing the road was possible but with care. More housing is located further to the north west and there are other residential properties on this side of the road as well as a public footpath alongside the site boundary. However the site relates closely to the settlement.
8. The road is a part of the public realm within the village and does not completely undermine the sense of place. I am satisfied that the A361 where it adjoins the site is a street and that therefore the guidance on junction visibility from Manual for Streets (MfS) can be applied in this case. I have not considered the alternative guidance referred to (Design Manual for Roads and Bridges). I also take into account the status of the A361 at this point as a part of the primary route network.
9. At the moment, the front boundary of the site and in particular the end of the stone wall that forms one side of southern access hinders visibility to its northern side. The semi-circular area between the road and the driveway provides a good amount of manoeuvring space. The proposal would involve the removal of the wall, removal of the railings and setting back of a hedge along the back edge of a new footpath. The opening up of this entrance in this way would improve visibility particularly to the north. The Council and the appellant agree that the sight lines at this access would be, taking a point 2.4m back from the road, 88m to the south west and 75 to the north east.
10. Visibility at the existing northern access is currently obstructed by a 30mph street sign and the hedge would require maintenance to maximise visibility. The access is not easy to see from the road as there is no visible crossover and the gate does not stand out from the railings further along the boundary. The obstructions from growth within the verge and removal of other obstructions can be ensured through a planning condition, as suggested by the Council. The proposal would also involve the creation of a surfaced cross-over which would improve the area for vehicles to manoeuvre upon exiting the site. The visibility 2.4m back from the carriageway would, it is agreed, be 70m to the south west and 60m to the north east.
11. The sight lines at both accesses would exceed the guideline visibility distance of 56m assuming vehicle speeds of 37mph as set out in table 7.1 within MfS. Evidence has been submitted regarding accidents that have occurred close to

the site along the A361. However the Council's submissions are not supported by any evidence from a highway safety expert regarding the reasons for those accidents or what difference the proposals would make. The statement that vehicle speeds are regularly above the 30mph speed limit is backed up by reference to survey information explained in a letter by Councillor Oliver and also Rode Parish Council. These also indicate that some vehicles far exceed 30mph. However the Highway Officer consulted about the proposal did not object on highway safety grounds and there is no alternative expert view in front of me for consideration. In my own view, the sight line distances being in excess of the MfS guidance would ensure good visibility even taking account of the reported vehicle speeds.

12. Vehicles travelling from the north east towards the site currently approach along a very straight section of road. The area on either side of the road immediately to the north east is loosely developed with a rural feel and there is little forewarning for drivers of the closer knit development within the village or in particular the sharp bend in the road close to the site. I note from the submitted photographs that in the past this has been even worse due to the hedge that was growing alongside the railings around the site.
13. The significant bend as well as both accesses would be easier to see across the more open frontage as proposed which would be a significant improvement particularly with respect to vehicles approaching from the north east. The opening up of the 2 entrances would give drivers approaching from both directions a greater sense of being within a built up area. It would also give them a better awareness of the attributes of the highway including the entrance to the footpath that adjoins the site. I consider that this could have a positive impact by giving drivers a sense of needing to slow down as they would be more aware of the upcoming hazards. It would also help pedestrians crossing the road because they would have a better view of oncoming traffic and drivers would have a better view of them.
14. In relation to the main issue, I consider that the altered accesses could safely accommodate the increase usage by the occupants of 5 dwellings. Safe and satisfactory provision for access would be provided which would comply with Policy DP9 of the Mendip District Local Plan¹ (LP). The National Planning Policy Framework (the Framework) states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe and that would not be the case with this proposal.

Other Matters

15. The Listed Buildings at Nos 13 (The Bell Inn), 17 and 19 Frome Road are on the opposite side of the road from the appeal site. Given the size of the site which would allow the retention of a spacious layout, I agree with the Council's assessment that the dwellings on the site could be designed to ensure that the setting of those Listed Buildings would be preserved.
16. Rode Parish Council has suggested that the village has accommodated sufficient housing already. The site is within the development limits of the Primary Village as defined with the LP where housing is acceptable in principle. The Framework requires a significant boost to the supply of housing and does not state that housing targets within Local Plans should be seen as maximum

¹ Mendip District Local Plan Part 1: Strategy and Policies 2006-2029, adopted 15 December 2014

requirements. The additional supply of housing would be a benefit of this proposal which weighs in favour of it.

17. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the act. I have imposed a condition specifying the relevant outline drawings as this provides certainty that the development will be implemented as proposed as far as is relevant given that it is an outline scheme. Additional conditions are necessary to secure adequate construction and maintenance of the accesses.
18. The Council has suggested a condition that provides some details of what should be submitted with the reserved matters. However, the wording lacks precision, the policy justification is not made clear and whilst the list is informative, many of the matters would be part of the normal validation requirements and consideration of the reserved matters. I have however included separate conditions covering some of those matters where conditional control is necessary such as drainage and landscaping including tree protection. The layout is yet to be agreed and so the precise position of parking spaces will need to be considered at that stage but I have included a similar condition that suggested by the Highway Officer to ensure the spaces are provided and retained for that use.
19. I have not imposed the suggested condition relating to housing mix needing to comply with LP Policy DP14 because that is not a precise requirement. Furthermore, that is a matter for consideration at the reserved matters stage.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

Schedule of Conditions:

- 1) Details of the appearance, landscaping and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 13127.01-B and 13127.02.
- 5) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of each access and extending to points to the edge of the carriageway 60m either side of the relevant access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained and retained at all times.
- 6) The gradient of the proposed accesses shall not be steeper than 1 in 10. Once constructed the accesses shall thereafter be maintained in that condition at all times.
- 7) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
- 8) Prior to the occupation of any dwelling hereby approved, the first 5 metres of each access, measured 5 metres back from the carriageway edge, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details to be submitted to and approved in writing by the Local Planning Authority under the reserved matters application. Once constructed both accesses shall be maintained and retained in that condition at all times thereafter.
- 9) The landscaping details submitted as part of the reserved matters shall include indications of all existing trees and hedgerows on the land, identify those to be retained, setting out measures for their protection throughout the course of development as well as an implementation and management strategy. The details shall be carried out as approved and in accordance with the implementation and management strategy.
- 10) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 11) The dwellings hereby permitted shall not be occupied until parking spaces have been constructed within the site in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Those parking and turning spaces shall be retained thereafter and kept clear of obstruction at all times.