
Appeal Decision

Site visit made on 27 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 18 November 2016

Appeal Ref: APP/C1625/W/16/3154304

Land adj. 18 Crow Meadow, Kingswood, Gloucestershire GL12 8RX

- 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 Marc Gani (MLGA Ltd) against the decision of Stroud District Council.
 - The application Ref 15/0698/FUL, dated 6 March 2015, was refused by notice dated 13 April 2016.
 - The development proposed is demolition of double garages and construction of 2 no. semi-detached houses and single attached garage to serve no.16.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of double garages and construction of 2 no. semi-detached houses and two car parking spaces to serve the dwelling at 16 Crow Meadow, in accordance with the terms of the application, Ref 15/0698/FUL, dated 6th March 2015, subject to the attached schedule of conditions.

Preliminary Matter

2. The description of the development in the heading is taken from the planning application form. However, it is clear from revised plans that were submitted to the Council before it determined the planning application that the proposal had altered as two parking spaces were to be provided to serve 16 Crow Meadow instead of a garage. This is confirmed by the appellant's statement of case, which the Council have also had the opportunity to comment upon. The change was a minor alteration and no party would be prejudiced by my determining the appeal on the basis of the amended description and plans and I have done so accordingly.
3. I have also amended the description in this decision to more accurately reflect the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the safety of vehicular and pedestrian traffic using Crow Meadow and the associated highway network.

Reasons

5. The appeal site is located at the southern end of Crow Meadow which is a residential cul-de-sac which becomes a public footpath. Concern has been

expressed by the District Council and local residents about the effect on highway safety of additional vehicle movements resulting from the proposed two semi-detached houses. Though the lane is relatively narrow, its width varies between about 4.25 metres at its widest before narrowing to between 2 and 3 metres near the appeal site. There are intermittent sections of pavement and some informal passing places together with dropped kerbs where garages back onto the lane.

6. The District Council's view, shared by many local residents, is that the narrowness of Crow Meadow makes it unsuitable for modern traffic requirements. They also state that the junction layout at Walk Mill Lane and Hillesley Road is 'awkward' and that therefore any increase in traffic would put both drivers and pedestrians, including children walking to school or playing, at greater risk. However, those views are not shared by the relevant highway authority, Gloucestershire County Council, who provided a detailed assessment of the proposal in their consultation response and raised no objection to it.
7. According to the Decision Notice the reason for refusal was that two dwellings would attract visitors, including delivery and service vehicles, which could not be adequately accommodated in the confined lane leading to impaired manoeuvring and conflict with pedestrians. As the appellant points out Crow Meadow serves 24 dwellings at present and accommodates visitors, delivery and service vehicles. There is also some on street parking available on Weavers Close, where I parked during my site visit, close to the appeal site.
8. Off street parking and manoeuvring provision which meets the highway authority's criteria form part of the proposed layout. The dwellings would be set well back on the plot behind the building line of the adjacent properties. Therefore, though the width of the lane at this point is about 2-3 metres, the set-back from the edge of the track of about 5 metres allows for manoeuvring space of approximately 8 metres. Visibility is good along the lane in both directions as it is straight. I also consider the arrangement to be acceptable.
9. Transport Consultants, acting for the appellant, carried out a trip survey between 08:10 and 09:10 on 15 October 2015 which revealed 12 pedestrian and 7 two way vehicle movements on Crow Meadow. The appellant supplemented that survey with an Automated Traffic Count carried out over one week in January 2016. The survey showed that traffic ranged from 27-53 vehicle movements per day over a 7 day period with peak hour journeys ranging between 3 and 10. I agree with the highway authority that the surveys show that traffic on Crow Meadow is light and that vehicle speeds, with a 7 day average of 10mph, are low. My site visit only offers a snapshot and was over a lunch-time period but I also observed low vehicle and pedestrian use.
10. The highway authority state that the proposed development is estimated to generate 4-5 two way vehicle journeys per dwelling per day which equates to one additional vehicle and one additional pedestrian movement in the peak hour. Those figures have not been disputed. Therefore, I share the highway authority's view that, as the additional journeys generated would be low, the change would not be significant and the limited additional journeys could be safely accommodated within the existing highway network.
11. The National Planning Policy Framework (the Framework), introduced in 2012, states Government policy and is a material consideration in all planning

- decisions. Paragraph 32 says that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Paragraph 35 requires development to create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians.
12. I note that policy CP13 of the Stroud District Local Plan¹ (the Development Plan) similarly requires that development should not be detrimental to road safety and should not cause or contribute to significant highway problems. Again, I agree with the highway authority that the manoeuvring space, visibility splays and level of traffic generated means that the proposal would not have a severe effect and would not be detrimental to road safety.
 13. The District Council argues that the development only achieves suitable visibility for manoeuvring and parking because of the low traffic speed, which in itself reflects the unsuitability of the road for modern traffic requirements. It seems to me reasonable that requirements for visibility splays, manoeuvring space and parking arrangements are assessed against the relevant road conditions, including traffic speed. That is the approach that has been adopted by the highway authority. The low traffic speeds indicate that drivers generally adjust to the constraints of the road that they are using.
 14. With regard to the junction layout between Crow Meadow, Walk Mill Lane and Hillesley Road, the highway authority advises that there have been no recorded personal injury collisions in the last 3 years. The appellants advise that the last recorded minor personal injury accident was in 2005. Whilst this particular road layout would not be designed in the same way if one were starting with a blank canvass, I consider that it is reasonable to take into account accident rates as part of an assessment of whether a road network is unsafe or potentially unsafe and whether any additional traffic is likely to exacerbate the situation. Therefore, whilst the junctions may be awkward there is no evidence to show they have led to a significant number of accidents.
 15. Much of the existing road network has developed incrementally over time and would not necessarily conform to modern highway standards but that does not of itself preclude safe use by some additional traffic, provided the development is suitably designed. Otherwise, development in some existing urban areas would be unduly restricted leading to added pressure to develop in the countryside, which national policy seeks to avoid if suitable previously developed land is available.²
 16. The District Council employed a consultant to provide an overview of the planning application but I note that his report pre-dated changes in the scheme and the consultation response of the highway authority. Notwithstanding that, I note that whilst the report makes many of the same general observations as the District Council about the constraints of the relatively narrow lane, it confirms no great levels of pedestrian use, accepting that the site visit was over a lunch time period. It also notes that visibility along the lane is good, such that users should be aware of each other's intentions. Though the report concludes that there are grounds to refuse the application, it places much emphasis on a previous appeal decision dating from 1997 which appears to relate to the same site.³

¹ Adopted 19 November 2015

² Paragraph 17 of the National Planning Policy Framework (2012)

³ T/APP/C1625/A/96/262130/P3

17. As the District Council Officer's Report notes the Inspector at the time accepted that there were arguments on both sides but dismissed the appeal on balance on grounds of highway safety. The appeal decision also refers to previous appeals on land adjoining the site in 1990 and 1995 which were also dismissed. Since then, as both the Officer and the highway authority note, planning policy has changed significantly with the introduction of the Framework in 2012. The highway authority confirms that the advent of the Framework substantively changed the way in which they assess the impact of traffic on highway safety.
18. Though the Inspector reached a different conclusion in 1997, I do not know the full details of that proposal in terms of, for example, parking provision or space to manoeuvre or indeed the full extent of the evidence presented. On the basis of the detailed evidence before me, the highway authority's assessment and recommendation, to which I attach significant weight, and changes in national policy, I consider that for the reasons already explained it is legitimate and appropriate to depart from the previous appeal decision.
19. Whilst I note the District Council's concern about access to the site by construction traffic, the scale of the development is limited and construction will be over a temporary period. Therefore, I do not consider that it will have a significant adverse effect.
20. With regard to parking, I recognise that on street parking is problematic due to the width of the lane. Whilst one of the parking spaces is within the integral garages, the dimensions of the garages allow more than sufficient space for a vehicle to be parked within. There is a common assumption that occupiers use garages for storage rather than parking but I do not consider that this would necessarily occur in these circumstances where driveway and on-street parking is more limited.
21. The point has been made that the appellant's 'swept path analysis' suggests that vehicles would reverse into the proposed parking spaces but that it would also be possible to enter in forward gear and reverse out. Whilst I do not consider that this would be likely in respect of the parking spaces allocated to No 16, it would be feasible in respect of the garages and other parking spaces. However, this would not be significantly different from the situation with a number of existing parking spaces serving properties along Crow Meadow.
22. Vehicles entering and emerging from the garages opposite Rose Terrace cross the pavement to access the road. No evidence has been provided of any accidents resulting from those or other existing layouts. The highway authority is satisfied that the proposed visibility splays, which can be secured by condition, would be sufficient for drivers and pedestrians to be aware of each other.
23. I am aware that some residents have indicated that the timing of the appellant's trip survey may not have captured some children leaving to attend the senior school to the north. Whilst I have taken that into account, I note that housing to the south of Crow Meadow is limited with open countryside beyond so whilst all use is relevant and important, it is reasonable to conclude that the numbers involved would be relatively low.
24. It has also been said that some pedestrians use Crow Meadow in preference to Hillesley Road which has more traffic and limited footways. This would also suggest that those pedestrians consider Crow Meadow to be a safer route,

which seems at odds with the idea that there are already difficulties between pedestrians and vehicles using it. I agree that it is a likely option, particularly for people traveling south or wishing to access the public footpath network. However, no alternative evidence has been provided to dispute the results of the appellant's survey or to illustrate a greater volume of vehicular or pedestrian use of Crow Meadow than that already considered. The small number of additional vehicle journeys associated with two houses would not put that safer choice in jeopardy.

25. In summary, I agree with the highway authority that given the level and speed of existing traffic, the lack of recorded personal injury collisions and the low number of additional journeys generated by a small development, the proposal would not significantly change the current position and, therefore, could be safely accommodated within the existing highway network.
26. Therefore, I conclude that the proposed development would not have an adverse effect on the safety of vehicular and pedestrian traffic using Crow Meadow and the associated highway network. It follows that it does not conflict with the objectives of policies HC1(9), CP13(iii) and CP14(13) of the Development Plan which, amongst other things, seek to ensure that developments have appropriate layout, access and parking arrangements, are not detrimental to road safety and take into account the safety of pedestrians and cyclists as well as drivers.

Other Matters

27. A range of matters have been raised by the Parish Council and members of the local community. I have already dealt with the main issue of highway safety above. It has been suggested that the dwellings are too large, cramped within the site and out of character but I note that these concerns are not shared by the District Council and I do not give them significant weight.
28. The Parish Council express concern that the status of the footpath would change to a road but the appellants advise that the status will not change. Use of the public right of way by vehicles has also been raised but the highway authority is satisfied that safe and suitable access has been demonstrated for both pedestrians and vehicles, and the appellants assert that they hold appropriate rights. I note that there have been other refused planning permissions but I do not have full details and they date from the 1980s and 1990s before changes in national planning policy.
29. Reference has been made to a neighbourhood plan but I have not been provided with details. In any event, I do not see how it would significantly differ from national and development plan policy in relation to highway safety. It has been suggested that the road is unadopted but the applicant has confirmed that it is adopted and that there is a right of access. The highway authority state that vehicle access rights have been registered with the County Council. In any event, land ownership and private rights of access are a civil matter and not a material planning consideration.
30. Concerns have been raised about matters including sewer manholes, drainage, flooding, a natural spring, the position of the telegraph pole, loss of privacy, lack of room for scaffolding, loss of light, views and overshadowing. I note that the District Council are satisfied on these matters and whilst I have considered them they have not led me to alter my decision.

Conditions

31. I have considered the conditions suggested by the District Council and by other parties, making minor modifications if necessary. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have included a highways plan, Ref CRM100-00, within the listed plans which the appellant advises was submitted and approved but was previously unnumbered.
32. Conditions relating to a scheme for controlling dust and dirt and hours of construction are necessary to prevent pollution and control noise and disturbance during the construction period. A materials condition is appropriate to safeguard the character and appearance of the area. Conditions relating to visibility splays and parking and manoeuvring facilities are necessary in the interests of highway safety. The District Council have not suggested a construction method statement condition and I do not consider that one is necessary given the scale of the development.

Conclusion

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

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CRM001-00 site location and drainage plan; CRM005-03 proposed block plan; CRM010-06 proposed floor plans; CRM020-03 proposed elevations; 1505-29 SP04 Swept path analysis and visibility splay at site access; CRM100-00 highways plan
- 3) No development shall take place until a scheme of measures to control the emission of dust and dirt during construction has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be adhered to throughout the construction period.
- 4) No construction site machinery or plant shall be operated, no process carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 5) No works on the external surfaces of the buildings shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the building works have been submitted to and

approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

- 6) The buildings hereby permitted shall not be occupied until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point 1m offset from the nearer carriageway edge of the public road 11m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 7) The buildings hereby permitted shall not be occupied until the vehicular parking and manoeuvring facilities have been provided in accordance with the submitted plan, 1505-29 SP04, and those facilities shall be maintained and retained for those purposes thereafter.