The Planning Inspectorate

Appeal Decision

Site visit made on 17 October 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/M0655/W/16/3156295
Land to the rear of 364 Warrington Road, Culcheth, Cheshire WA3 5JH fronting onto Fowley Common Lane.

- 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 Ms W Willett against the decision of Warrington Borough Council.
- The application Ref 2016/27793, dated 3 April 2016, was refused by notice dated 7 July 2016.
- The development proposed is erection of a single dwelling.

Decision

1. The appeal is allowed and planning permission is granted for erection of a single dwelling at land to the rear of 364 Warrington Road, Culcheth, Cheshire WA3 5JH fronting onto Fowley Common Lane, in accordance with the terms of the application, Ref 2016/27793, dated 3 April 2016, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The appellant has provided amended drawing ref, 74/PL1 A as part of the appeal submission. This drawing extends the site survey area to demonstrate visibility splays. I am satisfied that this drawing does not alter the proposed development and the Council have had an opportunity to comment on the drawing during the appeal proceedings. I do not therefore consider that either party would be prejudiced by my determining the appeal with regard to amended drawing Ref, 74/PL1 A and I have done so on this basis.

Application for costs

3. An application for costs was made by Ms W Willett against Warrington Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this case is the effect on highway and pedestrian safety.

Reasons

5. Access to the proposed development would be taken from Fowley Common Lane adjacent to the north-western boundary of the site and close to a neighbouring access drive which serves 366 Warrington Road. There is a

mature hedge along the site frontage and adjacent to the footway which would be partially removed to provide the site access and visibility splays.

6. Fowley Common Lane is an unclassified road with a speed limit of 20mph. It provides access to two farmsteads as well as the existing residential properties on this lane and the adjoining Hebden Avenue. There is a footway on one side of the lane only. At the time of my visit, which was approximately mid-day in the week, there were very few vehicles passing the site but there were a number of cars parked on the lane in the vicinity of the proposed access.

7. The proposed new access would have visibility splays achieving 2.4m x 20.5m in a north-westerly (NW) direction and 2.4m x 25m in a south-easterly (SE) direction. Based on the 20mph speed limit for Fowley Common Lane, the Council has assessed visibility using Manual for Streets Guidance which recommends visibility splays of 2.4m x 25m in both directions. Visibility in the NW direction from proposed access would therefore fall below this recommendation although in the more critical SE direction a 2.4m x 25m splay would be achievable.

8. Manual for Street 2 (MfS2) advises that a minimum 'X' distance of 2m may be considered in some slow-speed situations when flows on the minor arm of low. MfS2 also advises that a reduction in visibility below the recommended levels will not necessarily be a problem unless there is local evidence to the contrary. The proposed access would achieve 2m x 25m visibility splays in both directions. I have not been provided with any supplementary evidence on vehicle speeds along Fowley Common Lane and local evidence from third parties suggests that traffic can queue at the lanes junction with Warrington Road at peak times. Fowley Common Lane is an unclassified residential street which serves a restricted number of properties. It has a speed limit of 20mph and the proposed access would be located relatively close to the lanes junction with Warrington Road where traffic speeds are likely to be well below 20mph as they approach the junction or enter the lane. For these reasons and in the absence of any substantive evidence to the contrary I consider that it would be appropriate for an 'X' distance of 2m to be applied in this instance and accordingly the proposed access would provide satisfactory visibility splays for this location.

9. The proposed access drive would provide parking for up to three cars within a double width driveway. I have noted that it would be necessary to remove/relocate a telegraph pole to facilitate the driveway, however there are likely to be technical solutions with regard to dealing with this matter which is not for my consideration.

10. The Council are however concerned that the double width driveway would have a harmful impact on pedestrian safety by removing priority for pedestrians. Fowley Common Lane only has a pedestrian footway on one side and it is clear that the footway provides a good pedestrian link to Warrington Road where there is a convenience store and a bus stop. There are vehicle crossovers along the length of the footway on this lane which vary individually in their length. Although I agree that an 8m wide driveway is probably longer than others on the street, I have no evidence before me that would suggest that the provision of a crossover of this length would remove priority for pedestrians along the footway. The access would be for the use of a single dwelling only and would be provided with the required visibility splays; therefore in my view the crossover would not be detrimental to pedestrian safety.

11. I conclude that the proposed development would not have a harmful effect on highway and pedestrian safety and I therefore find no conflict with Policy QE6 and MP7 of the adopted Warrington Local Plan Core Strategy, 2014 which seek to ensure that new development does not impact significantly on highway safety. I also find no conflict with the National Planning Policy Framework which seeks to ensure that a safe and suitable access to the site can be achieved for all people.

Other Matters

12. I have taken into consideration the concerns raised by third parties regarding existing parking problems on this lane, and poor visibility at its junction with Warrington Road. The proposed development would provide requisite space for the vehicles of future occupiers and visitors to the property to enable them to park within the site cartilage. Parking on the road should not therefore be exacerbated by this development. I noted on my site visit that emerging visibility from Fowley Common Lane onto Warrington Road is substandard; however the Council did not consider that the traffic generated by an additional dwelling on this lane would have a harmful impact on highway safety at this junction and I have no substantive evidence before me that would lead me to conclude otherwise.

13. I have had regard to the location of the appeal site within the Green Belt. The Council consider the appeal proposal would amount to limited infilling in a village and would not therefore be inappropriate development. From my inspection of the site I would concur with the views of the Council.

14. Concerns regarding loss of privacy have been raised by third parties. The Council did not consider that the proposed development would harm these interests nor did they raise any concerns over the design of the dwelling itself. From my inspection of the site I see no reason to disagree with the Council.

Conditions

15. The Council has suggested a number of conditions which I have considered against the advice in the Framework and Planning Practice Guide. As a result I have amended some of them for clarity, consistency and elimination of duplication.

16. I have attached a condition to specify the approved plans as this provides certainty. Pre-commencement conditions requiring the submission of suitable construction materials and a landscaping scheme to include tree protection measures are necessary to ensure the trees on the site are adequately protected and to safeguard the character and appearance of the area.

17. I have imposed conditions requiring provision of the access, visibility splays and parking in the interests of highway safety.

18. It is not necessary or reasonable to impose a condition requiring site characterisation in the absence of any evidence that the site's previous uses are likely to have resulted in a risk of it being contaminated.

Conclusion

19. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 74/PL1 A; Bin Store and Cycle Store, Revision A; Ground Floor Plan, Scale 1:50; First Floor Plan, Scale 1:50; Elevations, Scale 1:100; Additional Levels, Scale 1:100; Existing and Proposed Street Scene, Scale 1:200.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development

5) 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 occupation of the buildings or the completion of the development, whichever is the sooner; 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, unless the local planning authority gives written approval to any variation.

6) The dwelling shall not be occupied until the vehicular access has been constructed in accordance with the approved plans and with a 2.4m x 25m visibility splay in the south-eastern direction and a 2m x 25m splay to the north-west. The splays shall be maintained free from all obstructions greater than 0.6m above the ground level of the adjacent footway.

7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing No 74/PL A for 3 cars to be parked, and this space shall be thereafter be kept available and free from obstructions for the parking of vehicles.