

Appeal Decision

Site visit made on 13 December 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/C1625/W/16/3156523

**Land adjacent to Setwell, Walkley Wood, Nailsworth, Gloucestershire
GL6 0RS**

- 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 S. G. Morley against the decision of Stroud District Council.
 - The application Ref S.15/1887/FUL, dated 3 August 2015, was refused by notice dated 17 March 2016.
 - The development proposed is a new dwelling on land adjacent to Setwell, Walkley Lane, Walkley Wood, Nailsworth, Gloucestershire.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether sufficient information has been provided on matters relating to highway safety; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Highway safety

3. The appeal site includes a triangular parcel of land situated between the property known as Cherry Trees to the east and Walkley Lane to the north and a public footpath to the south. It also includes the full length of Walkley Lane and a section of Rockness Hill and its connections with Pike Lane as well as a connection with Ragnall Lane to the east.
 4. The topography of the area is steeply sloping from the south to the north, such that the appeal site is significantly elevated above the opposite properties which face onto Pike Lane. Walkley Lane itself is very narrow and presently provides pedestrian and vehicular access to the three existing properties towards its western end. It is mostly enclosed to the south by stone walls whilst to the north it is largely open save for the sections enclosed by a blockwork wall at Setwell, and the side elevation of Box Cottage. Beyond the open sections there is a substantial drop down to the gardens of the properties opposite the main part of the site.
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5. The carriageway of Walkley Lane is unmade and in a relatively poor state of repair with poorly defined edges. There is no street lighting or footpath provision so pedestrians have to use the carriage way. The narrowness of the lane is such that there are no opportunities for vehicles to turn or to pass along most of its length. Indeed, there is insufficient room for a car and a pedestrian to pass and refuge opportunities are infrequent. The carriageway opens up towards its western end and I understand that this area is used for parking by the occupants of Yew Tree Cottage, Box Cottage and Cherry Trees.
6. A previous appeal decision¹ for one detached dwelling with vehicular access and parking at this site was dismissed in August 2014. The Inspector concluded that the configuration and condition of Walkley Lane is such that any increase in vehicular traffic along it associated with the proposal would significantly increase the risk of an accident and would have an adverse effect on the safety and convenience of users of the highway and that the layout and visibility at highway junctions in the vicinity, and the increased risk of an accident in those locations, adds to those concerns.
7. The current appeal proposal is supported by a Design Statement which proposes improvements to the local road network in an attempt to address the issues detailed in the previous Inspector's decision. For Walkley Lane, a Home Zone style shared surface arrangement is proposed. This would include widening the existing carriageway to 3m between the junction with Rockness Hill and the western extent of the main part of the site and the creation of three passing spaces by widening the carriageway to 4.5m, which if achieved would allow two cars to pass in those locations. However, the characteristics of Walkley Lane are such that, like the previous Inspector, I am not convinced that widening parts of its length would overcome the harm to highway safety.
8. Although it is stated that the proposed parking arrangement for two cars on the eastern side of the dwelling would allow for the vehicles to turn within the frontage, I have no tracking details to demonstrate how this would be safely achieved or how potential conflict with other users of the lane would be avoided. Moreover, this would not resolve the problem for any visitors to the property, particularly if the car parking spaces are utilised. In this regard, as highlighted by the previous Inspector, future occupiers of the proposal may become familiar with the challenging conditions of the lane but the same would not apply to other vehicle drivers, who may need to access the property.
9. Despite the observations set out in the Design Statement, as the area where the lane opens up at its western end is used as a parking area by the occupiers of existing properties, it may not always be possible or safe to turn in this location. Whilst I accept that any turning area could be blocked, I note that this is not a formally laid out arrangement and the implications of it being unavailable within the circumstances applicable to Walkley Lane, are significant. In any case, drivers may not be aware of its existence. Therefore, the proposal would likely result in additional reversing manoeuvres which given the narrowness of the lane along with its gradients and steep drops, would be extremely challenging and hazardous.
10. I do however acknowledge the benefits of providing a new road surface for at least part of the length of Walkley Lane, and that the passing spaces would provide additional pedestrian refuge points. A safety barrier at the eastern end

¹ Appeal Ref: APP/C1625/A/14/2219281

of the lane would also be of benefit to pedestrians, although the remainder of the lane and the significant drops would remain open. However, these benefits would not outweigh the harm to highway safety arising from an additional dwelling in this location.

11. Due to the geometry of the connection between Walkley Lane and Rockness Hill, it is not presently possible to turn left at the end of the lane in one movement. Local widening is therefore proposed into the grass verge along the northern side of Rockness Hill. Whilst the submitted location plan drawing indicates that this land is within the control of the appellant and it is submitted that this arrangement will allow sufficient space for an estate car to perform the turn in a single manoeuvre, this has not been demonstrated with a tracked drawing.
12. I acknowledge that the vehicular trips associated with one dwelling would not be significant within the context of the wider road network. However, the Inspector for the previous appeal makes clear that any increase in the use of the section of Walkley Lane adjacent to Pike Cottage would have an adverse effect on highway safety and I agree with this finding. In this regard I accept that improvements to the junction of Walkley Lane and Rockness Hill would reduce its use, nevertheless, for journeys east along Pike Lane, to access the services and facilities at Nailsworth, it would still represent the most direct route and therefore still attract use.
13. Even if drivers did turn left from Walkley Lane onto Rockness Hill, I share the previous Inspector's concern regarding the junction between Rockness Hill and Pike Lane. Although the supporting Design Statement explains that the appellant is able to offer improved junction visibility, I have no scheme before me to demonstrate how this would be satisfactorily achieved.
14. Also, based on the representation before me, there are also question marks over land ownership and therefore the ability of the appellant to carry out the improvement works. This though would be a matter for the appellant to resolve.
15. Whilst it is highlighted that road traffic accident records from 2008 show no recorded accidents at or near the site, it is highlighted with this proposal and the previous appeal that the occupier of Box Cottage indicates that there have been three vehicular collisions with that property in the last 5 years.
16. The appellant has drawn my attention to a scheme approved on appeal² for up to 17 dwellings on land at Pike Lane. Whilst it is submitted that appeal site uses the identical highway infrastructure, there are significant material differences. As noted by the Inspector, the width of Pike Lane allows for two-way operation, apart from an identified constrained section, and a footpath runs across the site frontage. This contrasts markedly with the circumstances of the appeal proposal along Walkley Lane, where the initial connection to the wider network would be made. Furthermore, for the Pike Lane appeal it was found that a sensitively planned and designed scheme could be achieved to allow vehicles to enter and leave the site safely including the provision of acceptable visibility splays. On the basis of the information before, I am not convinced that this could be achieved at the appeal site. Similarly, the

² Appeal Ref: APP/C1625/W/15/3053120

approval³ for one dwelling to the east of the appeal site would be accessed off Rockness Hill rather than Walkley Lane and as such is not directly comparable to the proposal currently before me.

17. I have noted the absence of an objection from the Highway Authority, however, the Local Planning Authority is not bound to accept such advice, provided that it is shown that there is sufficient reason to justify withholding planning permission. In this regard, given the significant constraints of Walkley Lane, it is critical to demonstrate that the highway improvement works proposed, including the Home Zone, would achieve their intended purpose and are deliverable. Whilst I sympathise that the Council may not have requested additional information at application stage, nevertheless, based on the evidence before, it has not been demonstrated that the proposed improvement works would achieve the appropriate design standards and would overcome the significant concerns expressed by the previous Inspector, which tally with my own, that an additional dwelling in this location would cause significant harm to the safety and convenience of users of the highway network. Accordingly, it would not be appropriate to leave such matters to be resolved by way of condition, even if negatively worded. In reaching this view, I have had full regard to all information submitted, including the input of Helix dated 21 March 2016.
18. I therefore conclude on this main issue, that insufficient information has been provided to demonstrate that the scheme would not result in harm to highway safety. The proposal as such would be contrary to Policy ES3 of the Stroud District Local Plan (LP), which states, amongst other matters, that permission will not be granted to any development which would lead to a detrimental impact on highway safety. The proposal would also conflict with LP Core Policy CP13, the second part of which relates to all development cases and states, amongst other things, that schemes shall not be detrimental to road safety and, where possible, enhance road safety and not cause or contribute to significant highway problems.
19. It follows therefore, that the proposal would also be contrary to paragraph 35 of the National Planning Policy Framework (the Framework) in that it has not been demonstrated that the development is located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians.

Character and appearance

20. The southern side of Walkley Lane is undeveloped save for the Cherry Trees property. As noted above, the lane itself is very narrow and unmade. It is largely devoid of significant urbanising feature and its character reflects its semi-rural and rural context. The main part of the appeal site is also elevated above the lane and slopes from back to front. Consequently substantial engineering operations would be necessary to accommodate the appeal dwelling and associated parking and turning area. This would also necessitate the removal of part of the dry stone walling.
21. In addition, the scheme would introduce a section of 1.1m high safety fencing along part of the lane and three passing bays. It is also proposed to introduce a home zone approach, which could involve signage, and contrasting surfaces. Although the precise design of a number of these features could be controlled by

³ Planning Application Ref: S.14/0089/FUL

way of condition, the extent of the associated engineering works in particular, would be significant. Regardless of whether or not such works would be over-engineered, they would be highly urbanising features which would substantially alter the character and appearance of the lane and relate poorly to its rural and semi-rural context.

22. I accept that the development to the north of Pike Lane would change the character of the wider area, however, this would not directly harm the character of the lane in a comparable manner to the appeal proposal.
23. I acknowledge that the Council considers that the design of the dwelling would not be out of keeping and that the materials proposed are appropriate for its surroundings. The Council also acknowledge that the development, which would be visible from the Area of Outstanding Natural Beauty, would not appear as a significant intrusion or harm the wider character of the surrounding landscape.
24. Although I find no reason to take a contrary position on these matters, the scheme taken as a whole would be out of keeping and harmful to the rustic character of the lane and it has not been shown that the above referenced features have been mitigated by good design as envisaged by paragraph 65 of the Framework.
25. Consequently, such works would appear out of place and harmful to the character and appearance of the area, contrary to LP Delivery Policy HC1 and Core Policy CP14, which amongst other matters, support high quality development, which protects, conserves and enhances the built and natural environment and development which achieves an appropriate design and appearance, which is respectful of its surroundings, including the local topography, built environment and heritage.

Other issues

26. I acknowledge that the Council has not raised concern in respect of the living conditions of neighbouring residents and regarding the size of the proposed garden and that the principle of development is acceptable. However, these are neutral factors in the planning balance and therefore cannot weigh in favour of the appeal proposal.
27. Whilst the appeal site may benefit from a sustainable location, as set out in the Framework, good design is a key aspect of sustainable development and on the basis of the harm to the character and appearance of the locality, the proposal would fail to meet the sustainability aims of the Framework.

Conclusion

28. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector