

Appeal Decision

Site visit made on 3 January 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/P3420/W/16/3160009

Dunnocksfold House, Newcastle Road, Madeley, CW3 9JP

- 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 R Pickering against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 16/00341/OUT, dated 25 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is described as 'outline submission for 1 detached 2 storey house'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with access only to be determined at this stage. I have considered the appeal on this basis so that the sketch layout of the proposed development is for indicative purposes only, with the exception of the access details.

Main Issue

3. The main issue in this case is the effect of the development on highway safety.

Reasons

4. The appeal site forms part of the garden to Dunnocksfold House, an end terrace property located in the open countryside adjacent to the village envelope of Madeley. The dwelling is located to the south of the A525 Newcastle Road, which is subject to a 30 mph speed limit and is also a bus route. The carriageway width is 6.2 metres and there are narrow footways on both sides of the road.
 5. The appellant as part of his submission has provided a Traffic Survey Report which indicates that Newcastle Road carries around 6700 vehicles per day. The report also includes a speed survey to 85th percentile which recorded speeds of 29.5 mph west bound and 31.5 mph eastbound in the 30 mph area.
 6. The Council's main concern with regard the proposal relates to the restricted visibility for drivers when exiting the site access onto Newcastle Road. Both parties agree that using guidance in Manual for Streets, the visibility splays at the access should be 44 metres to the west (left) and 39 metres to the east
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- (right). It is agreed by the parties that the required visibility splays cannot be achieved as a result of the narrow width of the footway and the boundary treatments and shrub planting to the side boundary of Netherleys, the neighbouring residential property.
7. The appellant has argued that requiring compliance with Manual for Streets is unreasonable in this case as the appeal relates to a private access which has been considerably improved. I have been made aware that the Highway Authority and the appellant discussed the achievable visibility splays with reduced set back distances. In order to demonstrate that a safe access can be achieved the appellant has provided visibility splay measurements taken from a reduced set back distance of 1.8 metres from the centre line of the emerging traffic which gives a visibility of just over 46 metres to the west. In an easterly direction, the appellant has taken a measurement at a distance of 1 metre from the kerb, which provides a visibility splay of around 32 metres. The Highway Authority is of the view that this measurement should be taken at a maximum distance of 0.5 metre from the kerb which would effectively further reduce the length of the visibility splay to the east. In any event, whilst the appellant's submission indicates the visibility to the west would meet the requirements of Manual for Streets, it would still be substandard to the east.
 8. I accept that the access has been widened to enable two vehicles to stand clear of the carriageway. In addition adequate off road car parking and a turning facility would be provided for both the existing and the proposed property so that a vehicle could leave the site in forward gear. This provides a significant improvement.
 9. However I observed on my site visit the busy nature of the road and the on street car parking that takes place in front of neighbouring residential properties and the nearby chemist and post office. I observed a number of occasions where vehicles had to give way to oncoming traffic due to parked vehicles restricting the width of the road. Some of these vehicles stopped in front of the access to Dunnocksfold House effectively blocking it for a short period of time. I am also mindful that on street parking in the vicinity of the appeal site would be likely to be greater in the morning and afternoon when parents drop off/ pick up pupils at the nearby High School. The presence of these parked vehicles further restricts the visibility from the access for an emerging vehicle.
 10. My observation was that some vehicles exceeded the 30 mph speed limit. I note the traffic survey results provided by the appellant which suggest vehicle speeds only slightly above the 30 mph speed limit. However I have also been made aware by a neighbouring resident that a speed survey undertaken in July 2016 by consultants for the HS2 project indicates average 85th percentile speeds of around 35 mph.
 11. The above factors lead me to conclude that it is important and necessary that adequate visibility splays are provided at this access to enable vehicles to safely enter and exit the site. On the evidence before me I am not satisfied that this has been adequately demonstrated. Using information from the TRICS database, the development of a further dwelling at this site would generate an additional 8-10 two way daily trip movements. The intensified

use of this access with substandard visibility splays would result in a potential danger to all road users including pedestrians and cyclists.

12. The appellant has argued that the appeal site, which was formerly an allotment, could generate additional traffic movements if the site were to be sold or rented to a third party or the garage/ workshop to Dunnocksfold House were to be rented out separately. The Council has confirmed that the permitted use of the appeal site is garden land associated with the host property. This use would not generate additional traffic movements. Use of the garage/workshop by a third party would not necessarily increase traffic movements over and above those generated by an existing residential use.
13. The appellant has also brought my attention to other existing substandard accesses onto Newcastle Road some of which serve more than 2 dwellings or where new dwellings have been recently approved. In particular reference is made to Mill Lane. I am advised by the Council that proposed dwellings on land to the rear of Netherleys and to the south of the White House on Mill Lane were on existing allotment land where the fall back use would have the potential to generate a number of daily trips. Other sites accessing Newcastle Road were viewed to have adequate visibility given the road alignment and footpath width at these locations. Whilst I have not been provided with the full details of these cases, it appears that they are not directly comparable to the case before me. In any event I have determined this appeal on its own planning merits.
14. I therefore consider that the intensified use of an access with substandard visibility splays would cause harm to highway safety. The proposal would be contrary to paragraph 32 of the Framework which aims to ensure that a safe and suitable access can be achieved for all people.

Other matters

15. I note that the site lies in the rural area of the Borough outside the village envelope of Madeley. Policy ASP6 of the Newcastle under Lyme Local Plan 2011 (adopted in 2003) directs new development in Rural Service Centres such as Madeley to sustainable brownfield land in the village envelope. The development of the site therefore conflicts with this policy. The Council has advised that they do not currently have a five year supply of housing land. Accordingly in line with paragraph 49 of the National Planning Policy Framework (the Framework) relevant policies for the supply of housing should not be considered to be up to date. Paragraph 14 of the Framework is therefore engaged. This provides a presumption in favour of sustainable development and states that where the development plan is absent, silent or out of date that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
16. The appeal site is located within walking distance of the services provided in Madeley including the post office, chemist, butchers, schools, recreation space and public houses. It is also serviced by good public transport. The development would provide economic benefits during construction and potential new occupants would spend in the local economy. The proposed dwelling would also contribute to the supply of housing in the area. However

as the proposal is for a single dwelling the benefit to housing supply would be limited. I attach moderate weight to these economic and social benefits.

17. However I have also found that the appeal proposal would cause harm to highway safety. This weighs heavily against the proposal. Accordingly I consider that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework when taken as a whole. The application of paragraph 14 of the Framework does not therefore indicate that permission should be granted. The presumption in favour of sustainable development does not apply. In this case, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

Conclusion

18. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Helen Hockenhull

INSPECTOR