
Appeal Decisions

Site visit made on 18 January 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 02 March 2017

Appeal A; Ref: APP/C1570/W/16/3160876

Ridgeway House, 2 Ashdon Road, Saffron Walden, Essex, CB10 1AA

- 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 Mrs M Knight against the decision of Uttlesford District Council.
 - The application Ref UTT/16/1460/OP, dated 20 May 2016, was refused by notice dated 26 August 2016.
 - The development proposed is creation of a new vehicular access and erection of a dwelling and garage.
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Appeal B; Ref: APP/C1570/W/16/3160891

Ridgeway House, 2 Ashdon Road, Saffron Walden, Essex, CB10 1AA

- 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 Mrs M Knight against the decision of Uttlesford District Council.
 - The application Ref UTT/16/1461/HHF, dated 20 May 2016, was refused by notice dated 26 August 2016.
 - The development proposed is creation of a new vehicular access and parking.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for creation of a new vehicular access and erection of a dwelling and garage at Ridgeway House, 2 Ashdon Road, Saffron Walden, Essex, CB10 1AA in accordance with the terms of the application, Ref UTT/16/1460/OP, dated 20 May 2016, subject to the conditions in Annex A.

Appeal B

2. The appeal is allowed and planning permission is granted for creation of a new vehicular access and parking at Ridgeway House, 2 Ashdon Road, Saffron Walden, Essex, CB10 1AA in accordance with the terms of the application, Ref UTT/16/1461/HHF, dated 20 May 2016, subject to the conditions in Annex B.

Procedural Matters

3. The application form states that Appeal A was submitted in outline with approval sought for access. The appeal is considered on this basis.
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Main Issues

4. The main issues are:

Appeal A

- The effect on the character and appearance of the area; and

Appeals A & B

- The effect on highway safety.

Reasons

Appeal A - Character and appearance

5. The application was made in outline with only access submitted for consideration. The submission includes indicative floor plans and elevations. These are purely illustrative; however, they serve to demonstrate how a dwelling could be accommodated on the site. The dwelling would be sited to the rear of No 2. There are a number of substantial garage buildings within the rear garden areas of nearby dwellings. Further properties in De Bohun Court are also visible from within the rear garden areas. The indicative section shows that a dwelling of a similar scale could be constructed by utilising the site levels. In addition it demonstrates that openings could be restricted to ground floor level.
6. Saved Uttlesford Local Plan (LP) policy H4 allows for the development of sites without a road frontage. This is criteria based and the scheme would not be in conflict with it in so far as, for the reasons given above, it would not have an adverse effect on the living conditions of existing occupiers and the access would not cause disturbance. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area.

Appeals A & B - Highway safety

7. Appeal scheme A would utilise the existing access point for the new dwelling. It would involve the formation of a new access point for the existing dwelling. Both access points would be taken from Ashdon Road. The road is straight outside the site frontage. I appreciate that the footway outside the dwellings on Ashdon Road is narrow. Nevertheless, there is a footpath on the opposite side of the road adjacent to the common that could also be used by pedestrians.
8. Both the access points would meet the requirements of the Local Highway Authority (LHA). In addition the appellants have demonstrated that appropriate visibility could be achieved within highway land. Furthermore, both access arrangements would allow vehicles to enter and exist in a forward gear.
9. There are yellow lines in place across the site frontage and opposite the site. There is some parking available on the opposing side of the road close to the site. Nevertheless in front of the site Ashdon Road is wide enough to allow the majority of vehicles to pass one another even with some parked cars present, the pedestrian build out and use by larger vehicles. Further the road is straight at this point and for a significant length adjacent to the common which would, where necessary, allow vehicles to see each other and pass safely.

10. The proposals would alter the access arrangements for the existing dwelling. Further the new dwelling, if allowed, would introduce movements associated with one additional dwelling. In this regard any increase in movements would not be significant and undertaken with the new access arrangements. Therefore the majority of vehicle movements associated with the proposals could be undertaken in a forward gear with adequate visibility. There is no technical objection from the LHA to the arrangement that would serve the existing and proposed unit and the level of movements is not likely to be significant.
11. The Council refer to the impact of the scheme on road safety due to the route being used by school children and the lack of a crossing on Ashdon Road. I have not been provided with any information regarding the level of use of the route by pedestrians or whether the routes to these schools would cross in close proximity to the appeal site. Nonetheless, it is evident that the access arrangements proposed would meet the required technical standards. As such I have no reason to suppose that future users of the access points would not have adequate visibility to ensure that there would not be conflict with pedestrians. Furthermore, the addition of one additional dwelling would not generate a level of vehicle movements that would directly lead to additional conflict.
12. I therefore conclude that neither Appeal A nor Appeal B would have a harmful effect on highway safety. They would not be in conflict with LP policy GEN1 which amongst other things seeks to ensure that the design of new development does not compromise road safety and the National Planning Policy Framework (the Framework) which seeks to resist proposals where the residual cumulative impacts of development are severe.

Other matters

13. Whilst not reasons for refusal I have carefully consider the issues raised by local residents. In particular the effect on the living conditions of existing occupiers, trees on site, landscaping, density and the issue of precedent.
14. The site has a level change. Nevertheless, the indicative layout demonstrates that a new dwelling could be set away from the site boundaries. It would also utilise the site levels in order to seek to minimise the height of the dwelling. This would serve to lessen its impacts. Whilst layout, appearance and scale are reserved matters I am satisfied that a dwelling in this location would not have a harmful effect on the living conditions of existing occupiers.
15. The indicative plan demonstrates that the site would accommodate the dwelling and it would have adequate parking and garden area. As such there is no substantive evidence that the density of the scheme would not be appropriate. Further the officer's report highlights that there would not be harmful effects on nature conservation. I have no reason to disagree.
16. Residents are concerned that allowing the appeal would set a precedent for similar schemes. However, I have judged the scheme before me on its individual merits. There is nothing that would prevent the Council resisting inappropriate housing schemes on other sites should they come forward.
17. The appeal site is adjacent to the Saffron Walden Conservation Area. Views of the site would be limited. The new dwelling would be constructed from suitable

materials and have appropriate landscaping. Further the demolition of the garage would be acceptable. As such the proposal would have a neutral impact on the Conservation Area.

Conditions

18. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the relevant tests at paragraph 206 of the Framework and where necessary amended them. In both Appeals A & B there are conditions in the Council's statement, the officer report and the LHA response. Therefore I have reviewed the conditions in their entirety.
19. In Appeal A conditions are necessary that relate to the standard time limits and submission of reserved matters. Approval for access was submitted and therefore conditions relating to this matter can reasonably be imposed. In the interest of highway safety it is necessary to ensure that the parking and turning is laid out and that the visibility along the site frontage is provided and kept free from obstruction. The LHA response suggests a condition relating to gates/enclosure. However at this stage this would not be necessary as it would be included in landscaping as part of the reserved matters. The LHA also suggest that surface water should not discharge onto the highway. As such it would be necessary to require submission of the detail of surface water drainage for the site.
20. In Appeal B conditions relating to commencement and plan numbers are necessary for the avoidance of doubt and in the interest of proper planning. In the interest of highway safety conditions are also necessary regarding the visibility splays, provision of parking and turning, enclosure and the gradient of the access.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that the appeals should be allowed.

D J Board

INSPECTOR

Annex A - APP/C1570/W/16/3160876

- 1) Details of the appearance, landscaping, layout, and scale, (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) No occupation of any dwelling hereby permitted shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details and surfaced in accordance with details which shall have previously been agreed with the local planning authority.
- 5) There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 6) No development shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Annex B - APP/C1570/W/16/3160891

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan Location Plan; H2; 02616/T1.
- 3) The access shall not be brought into beneficial use until the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details and surfaced in accordance with details which shall have previously been agreed with the local planning authority.
- 4) There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 5) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 6) The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.