

Appeal Decision

Site visit made on 28 February 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/C3240/W/16/3160164
18 Bratton Road, Bratton, Telford TF5 0BT

- 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 Ellis against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2016/0392, dated 12 June 2015, was refused by notice dated 22 June 2016.
 - The development proposed is to build 2no.2 bedroom semi-detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development set out in the banner heading above is altered slightly from that on the application form through the removal of narrative text not related to the development itself.
3. The emerging Telford and Wrekin Local Plan was published in June 2016. It has been submitted for examination and initial hearings have been conducted. However, the Inspector's report has not yet been issued and I do not have any evidence before me to the extent to which there are any unresolved objections relating to Policy BE1, which was referred to in the Council's decision. Consequently, the weight that I can afford to Policy BE1 is limited.
4. During the appeal process it has become clear that the plans submitted with the appeal documentation were not the plans considered by the Council when they made their decision. I have sought clarification from both parties on this matter, and the Council have confirmed that the plans they considered did not include a visibility splay across the frontage of No 20 Bratton Road. The plans that have accompanied this appeal appear to relate to a previous application for development on the site which was refused by the Council in 2015.
5. I am required to determine the appeal on the basis of the drawings that were before the Council when they made their decision, and I have done so on this basis. However, it is clear for the reasons set out below, that even if I had determined the appeal on the basis of the drawings which included the visibility splay, the outcome of the appeal would not have changed.

Main Issues

6. The main issues in this case are the effect on the:
 - Character and appearance of the area; and
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- Highway safety, with particular regard to vehicle driver and pedestrian safety.

Reasons

Character and appearance

7. The appeal site lies on the fringe of the settlement of Bratton. The residential properties on the western side of Bratton Road are mixed in their age, form and individual design characteristics. However, they are generally aligned along Bratton Road and all have deep plots which boarder onto open countryside.
8. I noted on my visit that the private track which adjoins the appeal site, also serves a couple of properties which have been constructed on land to the rear of Bratton Road. However, the dominant pattern of development remains a strong ribbon form, with properties fronting towards the road and with generous rear gardens. Those more recently constructed properties are relatively self-contained and do not significantly detract from, or alter the overall pattern of development in this location.
9. The appeal proposal would introduce two new properties onto land at the rear of Bratton Road which is generally characterised by domestic gardens and their associated paraphernalia. This garden land provides a natural buffer between the settlements built form and the more open and rural character of the countryside to the West. The subdivision of the existing garden areas and the introduction of new housing, including large parking and turning facilities in this location would significantly alter the character of Bratton's settlement edge.
10. I recognise that the site has previously had consent for a dwelling in 2005. However, this permission has now lapsed, and I am required to determine this appeal on its own merits, taking account of the current development plan and national policy. I have taken into consideration the site at 21 Bratton Road which has a planning permission for five houses; however that site has a wide frontage onto Bratton Road and is not therefore directly comparable to the appeal site which has no street frontage. The introduction of houses on the appeal site would conflict with the established pattern of development which I have described above. Furthermore, I agree with the Inspector who dismissed an appeal for a new dwelling on land to the rear of No 9 Bratton Road,¹ that new development in this backland location, would make it difficult to resist similar proposals for development in the back gardens of neighbouring properties, which if permitted would cause a harmful intensification of development in this rural fringe location and alter the character of the area.
11. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with the development plan, and in particular I find conflict with Policy CS15 of Telford & Wrekin's Core Strategy, Development Plan Document 2007 (CS) and Saved Policies UD2 and H6 of the Wrekin Local Plan (WLP) which are consistent with paragraph 58 of the National Planning Policy Framework (the Framework) in seeking, amongst other things, to protect local identity, respect and respond positively to local context and to ensure new housing does not have an adverse impact on the local environment.

¹ APP/C3240/A/06/2029025

Highway Safety

12. The proposed development would take access from the private track which lies immediately to the South of the site and currently provides access from Bratton Road to the residential properties known as Moor House, Moor Farm, Moor Cottage and Highfield Lodge. I understand that this track has also previously provided access to a rear parking area used by the occupiers of 18 and 19 Bratton Road.
13. No 20 Bratton Road has a fence of approximately 1.8m high positioned on a piece of raised ground adjoining the track at its junction with Bratton Road. The position and height of this fence totally obscures visibility in a northerly direction for drivers of vehicles emerging from the track onto Bratton Road. Furthermore, there is no footpath on this side of Bratton Road, and its carriageway width is also constrained at this point. Consequently, vehicles emerging from the access track need to encroach into the highway to obtain views of oncoming vehicles travelling south along Bratton Road. In the absence of any pedestrian footpath in this location, and with restricted visibility, such movements are harmful to pedestrian safety. Moreover, due to the narrow width of the road in this location, vehicles are likely to be travelling in the middle of the road, adding further conflict with emerging vehicles where visibility is restricted.
14. I recognise that the appeal site may have been utilised in the past to provide some additional parking for the occupiers of 18 and 19 Bratton Road. However, those properties front onto Bratton Road where there are also opportunities to park on or close to their site frontage. In the case of this appeal, the only means of vehicle and pedestrian access to the site would be along the track. Consequently, any vehicle movements generated by the proposed development, including visitor traffic and delivery vehicles, would almost certainly result in a material increase in vehicle activity along the track. For the reasons set out above, any increase in vehicle movements at the track's junction with Bratton Road would not be in the best interests of highway safety.
15. I conclude that the proposed development would have a harmful effect on highway safety, with particular regard to vehicle driver and pedestrian safety. I therefore find conflict with the development plan, and in particular policies OC9 of the CS and UD2 of the WLP, which are consistent with paragraph 32 of the Framework in seeking to secure a safe and suitable means of access to the site for all people.

Conclusion

16. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR