
Appeal Decision

Site visit made on 14 March 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 31 March 2017

Appeal Ref: APP/P0119/W/16/3165039

1 Red House Lane, Almondsbury, South Gloucestershire BS32 4AE

- 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 P Heer against the decision of South Gloucestershire Council.
 - The application Ref PT16/2420/F, dated 3 May 2016, was refused by notice dated 29 June 2016.
 - The development proposed is the demolition of an existing garage and the erection of 1 no. detached dwelling and garage (Resubmission of PT15/2047/F).
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Decision

1. The appeal is allowed and planning permission granted for the demolition of an existing garage and the erection of 1 no. detached dwelling and garage (Resubmission of PT15/2047/F) in accordance with the terms of the application, Ref PT16/2420/F, and subject to the conditions listed at the end of this decision.

Main Issues

2. I consider the main issues in this case to be:
 - i) whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and
 - ii) the effect of the proposal on highway safety and congestion.

Reasons

Green Belt

3. The appeal site is situated in the Bristol and Bath Green Belt. The National Planning Policy Framework (NPPF) suggests that limited infilling in villages should not be regarded as inappropriate in the Green Belt. The Council's Supplementary Planning Document¹ (SPD) advises that infilling in villages in the Green Belt should represent a linear formation between existing buildings, and this document pre-dates the NPPF. Such a constraint on development in terms of its pattern is however not consistent with the NPPF, and I therefore give the SPD limited weight. Core Strategy² (CS) Policy CS34 seeks to protect the Green Belt from inappropriate development and the Glossary of

¹ South Gloucestershire Council: Development in the Greenbelt Supplementary Planning Document: June 2007

² South Gloucestershire Local Plan: Core Strategy: December 2013

Terms identifies infilling as being between existing buildings, in a relatively small gap and normally within a built up area. This post-dates and generally accords with the NPPF and forms part of the development plan.

4. The CS identifies a settlement boundary for the village of Almondsbury, and the appeal site lies within that boundary. The Council however accepts that it cannot demonstrate a five year housing land supply. In view of the housing land supply situation, I do not consider the identified settlement boundary for Almondsbury to be up to date in terms of the supply of housing under the CS. The identified boundary does however accord with the physical limits of the village in the area of the appeal site, and I am therefore of the view that the site lies within the village of Almondsbury, albeit that it is on the edge of the village.
5. The development in the area around the appeal site does not have a regular pattern, and indeed the host dwelling now takes the form of back land development. Many of the dwellings are also situated within large plots. The proposed detached dwelling would be bounded on three sides by this existing residential development. The spacing between the proposed dwelling and other dwellings to the south and west would be similar to spacings which already exist in the cluster of development to the west of the appeal site.
6. In terms of the infilling of a gap between existing buildings, the proposed dwelling would generally split the gaps between the host dwelling at 1 Red House Lane and the dwelling at 6 The Hill and what appears to be residential development at the rear of 7 The Hill. These spacings are not readily apparent from the appeal site itself, due to vegetation in the residential plots. This lack of inter-visibility however does not affect the spacing of dwellings, and indeed the vegetation may be removed at some time in the future.
7. In view of the layout of the surrounding buildings, I am satisfied that the proposed dwelling would occupy a relatively small gap between existing buildings in accordance with the CS Glossary of Terms for infill development. This is in the context of the layout of existing development in this area and the fact the resulting gaps would be similar to others that currently exist in the area. This part of the village of Almondsbury comprises low density development. The large individual plots do however generally abut one another, and I am therefore of the view that this represents a built up area, as sought by CS Glossary of Terms. Furthermore, the proposal would comprise a single dwelling within an area of many dwellings. This in my opinion would represent small scale or limited infilling in accordance with CS Policy CS5 and the NPPF.
8. I therefore conclude that the proposal would not represent inappropriate development and that it would accord with CS Policies CS5 and CS34 and the NPPF in this regard.

Highway Safety

9. The appeal site includes a single track surfaced road by which the remainder of the appeal site is accessed. The road currently serves 6 dwellings. The access to the northern end of this road from the direction of the public highway includes a very sharp bend with poor visibility at the position of a further house entrance. The road itself includes a narrow verge on each side between the carriageway and property boundaries. Whilst there is some evidence of

overrunning onto a grassed area on the outside of the sharp bend identified above, I did not see any evidence of vehicles having to use the verges in the road to pass each other. This leads me to the view that vehicles currently reverse to either end of the lane to pass each other. In coming to this view, I have also taken into account the low level of use of the road, which the Council suggests is around 3 trips per hour. The appellant's survey suggests the use is a maximum of 4 trips per hour, many of which would be tidal in nature. Concerns have been expressed in respect of the accuracy of the appellant's survey, but I am satisfied that it generally reflects the Council's position on traffic levels.

10. The proposal would add one additional dwelling access onto the current use of this road. This is said, by the Council, to represent an increase in use of 12.5%. The proposal would also add a passing bay along the road. The Council accepts that the provision of this passing bay would be feasible, and I am satisfied that it would give sufficient space for two cars to pass. This passing bay would represent an improvement over the existing situation in that it would reduce the degree of reversing that would appear to be necessary at present, including reversing in the area of the sharp bend to the north of the road. I accept however that the passing bay would not be sufficient for larger vehicles accessing the dwellings and an electricity sub-station partway along the lane, but these events are less frequent. Moreover, during construction, a Construction Environmental Management Plan (CEMP) could be required by condition to regulate the use of the road by construction vehicles in the context of the nature of the road.
11. I consider that the benefit from the provision of the passing bay would outweigh any adverse effect from the limited additional use of the road that would result from the proposed development. I am also satisfied that the verges to either side of the road would be available for pedestrians and cyclists to use when vehicles pass. Moreover, apart from the sharp bend identified and the individual residential accesses, visibility along the straight lane is good. The proposal would therefore provide for safe pedestrian, cycle and motorised traffic access in accordance with Local Plan³ (LP) Policy T12 and would provide for travel options other than the car in accordance with CS Policy CS8.
12. The road forms part of a public right of way (PRoW), entering the road from the north. It however has no onward route from the southern end of the road and ends at the accesses to various residential properties. The environment of the lane is somewhat enclosed with high boundary hedges and walls to both sides. It thus seems to me that there is little incentive to walk down the road and back again. These factors suggest to me that the PRoW is not frequently used apart from access to the houses on the road. I therefore do not consider that the proposal would adversely affect the use of the PRoW.
13. In view of all of the above points, I conclude that the proposal would not have an unacceptable effect on highway safety and congestion and that it would accord with CS Policy CS8 and LP Policy T12.

Other Matters

14. The front elevation of the proposed dwelling would face the rear garden of 2 Red House Lane. I am satisfied however that sufficient separation would

³ South Gloucestershire Local Plan: January 2006

exist between the dwellings to avoid unacceptable harm to the occupiers of No 2 in terms of privacy and visual intrusion. I am also satisfied that the proposal would not have an adverse effect on the living conditions of other nearby occupiers.

15. It has also been put to me that the host dwelling has been extended previously. Whilst this may well be the case, I do not consider it to be relevant to this appeal. There is no objection to the proposal from the Council in terms of ecology and trees, and I can see no reason to dismiss the appeal on this basis.

Conditions

16. Conditions would be required secure the provision of the passing bay and a CEMP in the interests of highway safety. A condition would also be required in respect of the removal of permitted development rights to protect the character and appearance of the surrounding area. It would however be necessary to amend the conditions suggested by the Council in the interests of precision and enforceability. It would also be necessary that the development should be undertaken in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition would therefore be required to define the approved plans.

Conclusion

17. Having taken into account all other matters raised, none carry sufficient weight to alter the decision. I therefore conclude that the proposal would accord with the development plan and that the appeal should be allowed.

Stephen Roscoe

INSPECTOR

CONDITIONS

- 1 The development hereby permitted shall begin no later than three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Drg No LPC,3636,15,01
 - Site Plan Drg No LPC,3636,15,02A
 - Floor Plans Drg No LPC,3636,15,03A
 - Elevations – Sheet 1 Drg No LPC,3636,15,04A
 - Elevations – Sheet 2 Garage Plan Drg No LPC,3636,15,05A
 - Landscape Plan 27/10/14
- 3 Notwithstanding Condition 2, no development shall take place until a site specific Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved plan, and the submitted plan shall include adequate provision:
 - i) for the delivery and storage of materials;
 - ii) for contractor parking;
 - iii) to ensure that construction vehicles do not obstruct the accesses to other dwellings along the private road within the site; and
 - iv) for the safe access of construction vehicles to and from the site and along Red House Lane.
- 4 Notwithstanding Condition 2, no other development shall take place until the proposed northern passing bay has been provided in accordance with Drg No TPA/01 within the Statement on Transport Matters received by the local planning authority on 22 December 2016.
- 5 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Part 1 (Classes A, B, D and E) other than such development of operations indicated on the plans hereby approved shall be carried out without the prior written consent of the local planning authority.