
Appeal Decision

Site visit made on 20 March 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/X1118/W/16/3160673

Greenvalley, Higher Park Road, Braunton, Devon EX33 2LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Reid against the decision of North Devon District Council.
 - The application Ref 60671, dated 15 January 2016, was refused by notice dated 14 April 2016.
 - The development proposed is the conversion of dwelling to 5 apartments.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the safe and efficient operation of the nearby highway network.

Reasons

3. Greenvalley is a 7 bedroom dwellinghouse accessed either via Higher Park Road or Lower Park Road. Whilst the Higher Park Road access is relatively cramped, it would be used in connection with only one of the flats proposed given the limited space available for parking here. No greater intensity of vehicular use would therefore result from the proposal compared to the existing situation in this respect, and amendments to the existing access are proposed.¹ I am therefore not of the view that unacceptable effects would result from the proposal in relation to Higher Park Road.²
4. Access to Lower Park Road is via a lengthy driveway with a notable incline as the topography rises from Lower Park Road to Higher Park Road. This driveway runs between the properties Ringsdon and Steyning and also serves the property Broadlands. Although narrow at points, the driveway merges with the driveways of Ringsdon and Steyning close to the access with Lower Park Road (hereafter referred to as 'the access'). The plot boundaries of Ringsdon and Steyning abutting the pavement of Lower Park Road are demarcated by substantial stone walls which serve a retaining function given the changing topography.

¹ Illustrated on plan No 2015.3/4 and referred to in paragraph 5.6 of the appellant's final comments.

² Having taken account of the consideration given to this matter within the Council's officer report and the representations of nearby residents.

5. There is therefore already a baseline vehicular use of the Lower Park Road access in connection with four dwellings. However it appeared to me that all properties served by this access have been present for a considerable time, and consequently their presence does not justify development that would be unacceptable in the present.
6. The proposal would double the number of residences served by the Lower Park Road access. Although it is possible to walk to nearby services and facilities, the intensity of vehicular use associated with 5 flats is likely to be significantly greater than in relation to one dwellinghouse: different households will inevitably hold independent schedules and each flat would also result in an intensity of vehicular movements associated with visitors, deliveries and services that would not likely arise in respect of a single dwelling.
7. There are extensive stretches of Lower Park Road where parking restrictions apply. However for a short distance either side of the access there are none. There were various vehicles parked either side of the access at time of my site visit, mid-afternoon, and it is not disputed that parking regularly occurs here. This serves to reduce the space available to motorists using Lower Park Road such that only one vehicle may use the carriageway at a time in this location. Parking here also serves to obscure visibility of the access to oncoming traffic.
8. Lower Park Road is not a principal route through Braunton, but rather a carriageway which primarily serves the residences along it and minor residential streets connecting with it. Nevertheless the appellant's traffic count identifies that on average 'daily 1,900 traffic movements pass the appeal site'.³ Vehicular movements here are therefore not infrequent,⁴ and I witnessed a reasonably regular flow of traffic during my site visit.
9. At this point Lower Park Road has a 30 miles per hour speed limit. On account of the residential nature of the street and the presence of parked cars, drivers may moderate their speed below the limit. Indeed the appellant's data indicates that, depending on the direction of travel, the 85th percentile observed speed of vehicles here during the study period was 25.9 or 26.9 miles per hour.
10. Saved policy TRA6 'General highway considerations' of the North Devon Local Plan adopted originally in July 2006 (the 'Local Plan') prevents development other than that which is served by safe access and that which does not harm the functioning or safety of the highway network. Bullet point 2 of paragraph 32 of the National Planning Policy Framework (the 'Framework') similarly sets out that planning decisions should take account of whether safe and suitable access can be achieved for all people.
11. Whilst Manual for Streets (MfS) is guidance to be applied with due flexibility, it is nevertheless the Government's advice as to how development may be brought forward with appropriate consideration for highways matters. Section 7.5 of MfS deals in particular with the calculation of stopping sight distances

³ As set out in Section 4 of the appellant's statement of case.

⁴ There is no information before me comparing the intensity of vehicular movements along Lower Park Road with average annual flow statistics for this type of road.

(SSD), the distance within which drivers need to be able to see ahead and stop from a given speed.

12. I note at this point that the appellant contends that 'the emerging car is not the car requiring the SSD', and explains that forward visibility when travelling along the carriageway is approximately 60 to 90 metres.⁵ However this does not reflect that in the absence of visibility meeting the relevant SSD, an emerging car may pull out into the highway and create a situation where oncoming vehicles are unable to stop in time. MfS guides that visibility related to SSD should be calculated on the basis of a vehicle entering from a 'minor arm' to 'major arm', i.e. in this instance from the perspective of a vehicle exiting the access to Greenvale into Lower Park Road.
13. MfS further sets out that visibility should be calculated from a certain distance away from the give way line of the carriageway,⁶ and generally along the nearside kerb.⁷ Table 7.1 of MfS indicates that, unadjusted for bonnet length, the SSD for vehicles travelling at 30 miles per hour is 40 metres. On the basis of the appellant's speed data referred to above, the appellant contends that the most relevant entry in table 7.1 is that the SSD for vehicles travelling at 28 miles per hour is 36 metres.
14. The appellant has illustrated visibility splays on plan R224 16 04. It appears that visibility splays in this plan has been calculated from two points, the distance of neither of which from the carriageway is annotated on the plan. Achieving visibility from both points would result in obstructing the pavement. One point appears to be directly above the edge of the kerb of Lower Park Road rather than set back any distance from it. There is no consideration given to visibility of pedestrians using the pavement with reference to the stone boundary walls of neighbouring properties.
15. Whilst I accept that Manual for Streets explains that parking obstructing visibility in built-up areas does not appear to create significant problems in practice, this is a statement related to the existing situation in many areas. Conversely it guides that ideally parking bays should be provided outside of the visibility splay and that 'in some circumstances, where speeds are low, some encroachment may be acceptable' (my emphasis).⁸
16. I drove into and out of the access during my site visit. Only glimpsed views of vehicles making use of Lower Park Road are possible between the stone boundary walls and parked cars at significant distance. When exiting the access and located between parked cars, it appeared to me that visibility of oncoming cars was extremely limited. Indeed plan R224 16 04 illustrates that if visibility is calculated from a point directly above the edge of the kerb, and the presence of parked cars is taken into account, visibility is approximately 12.5 metres in one direction and 11 metres in the other.⁹

⁵ Section 6 of the appellant's appeal statement.

⁶ Paragraphs 7.7.6 and 7.7.7, which clarify that where no give way marking is present a hypothetical line should be assumed.

⁷ Paragraphs 7.7.3 to 7.7.5.

⁸ Paragraph 7.8.5.

⁹ These figures broadly aligns with the statement made by the Council's development management (highways) officer which indicates that functional visibility is approximately 10 metres in either direction. However this conflicts with the 16m distance stated in section 6 of the appellant's appeal statement.

17. Therefore based on the information before me and my site visit observations the visibility in practice here would be considerably lower than that recommended by MfS for vehicles travelling at 28 miles per hour rather than representing a slight reduction. Indeed MfS sets out that a 12 metre SSD is only recommended where vehicles travel at 12 miles per hour.
18. Therefore cars emerging from the access onto Lower Park Road may do so in a manner that would give oncoming traffic insufficient time to come to a stop. Were a precautionary approach to pulling out is taken, enabling oncoming vehicles to come safely to a stop, this may nevertheless obstruct the free flow of traffic given that at this stretch only a single vehicle may use the carriageway at a time. I would further note that on account of the presence of parking obscuring visibility of the access to Greenvale from the perspective on oncoming traffic, drivers may not anticipate that vehicles would emerge from this location.
19. I accept that Manual for Streets 2 (MfS2) indicates that 'unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem'. However, and notwithstanding that MfS2 applies the principles of MfS to 'busier streets and non-trunk roads' which is not an appropriate description of Lower Park Road, the visibility here is clearly substantially below recommended levels.
20. County Council records indicate that there have been no accidents at the locality of the access in the past 5 years. The appellant has further brought my attention to a report produced by the Council entitled Traffic Consultation in Braunton dated 25 March 2014. This refers to an extension to parking restrictions along Lower Park Road, notes that 'no risks have been identified', and therefore corroborates the absence of accident statistics in this location. However both accident statistics and the report were produced before application Ref 60671 was made, and consequently could not have taken account of the potential effects of the development before me as explained above.
21. For the above reasons the proposal would result in a significant uplift in vehicular use of an access with clearly substandard visibility. Notwithstanding driver behaviour in this location and the absence of recent safety incidents, I therefore conclude that the proposal would be clearly detrimental to the safe and efficient operation of the nearby highway network.
22. Accordingly even were the flats occupied by households without school age children, as the appellant contends is likely, and therefore traffic generation moderated to some extent at peak times, this would not significantly qualify the harm arising. Consequently the proposal conflicts with the relevant provisions of saved policy TRA6 of the Local Plan and with relevant elements of the Framework and of MfS.

Other matters

23. I have taken account of the representations made by nearby residents in respect of the potential effects of the proposal in relation to the character and appearance of the area, privacy, noise, dust, drainage and with regard the potential for a precedent to be set were this development to be approved.

However these matters do not form part of the Council's case at appeal, many could be addressed via associated conditions were the development otherwise acceptable, and each proposal must be determined on its particular merits. As such there is nothing before me to conclude that the proposal would result in unacceptable effects in these respects. Nevertheless my findings in respect of these matters are essentially neutral rather than weighing positively in favour of the proposal.

24. I accept that the proposal would contribute towards boosting the supply of housing, and that some social and economic benefits would result from supporting employment during construction and as future occupants would make use of nearby services and facilities. However these benefits would be modest in respect of a net addition of four new units, and there is no substantive evidence before me to determine whether housing of this type would relate to meeting housing needs in the area. Moreover whilst the Framework is strongly supportive in general terms of boosting the supply of housing, this is clearly not at the expense of ensuring that development is appropriately located and served by suitable access.
25. For the above reasons and based on the evidence before me, the benefits of the proposal carry only limited weight in favour of the development proposed. Consequently, and in the event that Council are unable to demonstrate a five year supply of deliverable sites within reference to paragraph 49 of the Framework, the adverse impacts of the proposal would in my view significantly and demonstrably outweigh the benefits.¹⁰

Conclusion

26. For the above reasons, and having taking all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. The proposal does not represent sustainable development, and I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

¹⁰ There is no robust evidence before me in respect of this matter.