
Appeal Decision

Site visit made on 5 April 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 20th April 2017

Appeal Ref: APP/W1850/W/17/3167383

Bickerton Cottage, Much Marcle, Herefordshire HR8 2NP

- 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 Adam Cale against the decision of Herefordshire Council.
 - The application Ref 162047, dated 28 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is the splitting of existing land and a new dwelling to replace a large workshop.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form described the proposal and the reasons for it in much detail. Whilst I have taken these matters into account in my decision, I have used the description provided on the Council's decision in the bullet point above.
3. The appellant has proposed changes to the design of the proposed dwelling following the Council's refusal. In view of the location of the site and the nature of the changes, I am satisfied that they would not prejudice the position of any party with an interest in the appeal, and I have therefore considered the appeal on the basis of the changes.

Main Issues

4. I consider the main issues in this appeal to be:
 - i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) whether the proposal would have an unacceptable impact on highway safety; and
 - iii) the effect of the proposal on housing land supply.

Reasons

Character and Appearance

5. The existing cottage at the appeal property retains the appearance and features of a traditional dwelling, despite work having been carried out on the

- building. Its front elevation and gable end to the north are both visible from the lane on which it is situated.
6. The proposed dwelling would be situated within the plot of the existing cottage. It would be seen in the same view as the cottage, particularly from the lane approaching the appeal site from the north. Here, the lane is somewhat open giving more views and this would increase the prominence of the proposed dwelling in terms of its north facing gable.
 7. In terms of the development plan policies that have been brought to my attention, the Council accepts that it does not have a five year housing land supply and that relevant policies for the supply of housing should not be considered up to date. Core Strategy¹ (CS) Policy SD1 seeks to maintain local distinctiveness in terms of building design. In this case, and in view of its compatibility with the NPPF, I give this element of the policy significant weight, notwithstanding its relationship with the supply of housing. CS Policy LD1 relates to the setting of settlements, amongst other things, and therefore to the supply of housing. I thus give this policy limited weight in this case.
 8. The design of the proposed dwelling would include uneven roof pitch and slope lengths, a rear first floor balcony and significant areas of timber waney edge boarding. Whilst the boarding could soften the appearance of the building, these features would give a modern and functional impression. They would be visible from the lane, placing the gable of the proposed dwelling in sharp contrast to the existing cottage on the property. This contrast would also be apparent in closer views of the front and gable elevations of the proposed house from the lane.
 9. As a consequence of this awkward relationship, the proposed dwelling would not maintain local distinctiveness in terms of building design, as required by CS Policy SD1. The proposed dwelling also would not exhibit good design as set out in the NPPF.
 10. The proposed dwelling would replace an existing workshop on the appeal site. The workshop is timber clad with a modern and functional hipped roof. Whilst the proposed dwelling would mirror the footprint of the workshop, the workshop is of less bulk than would be the case with the proposed dwelling. It therefore does not have such an awkward relationship with the existing cottage as would be the case with the proposed dwelling. The presence of the workshop does not therefore reduce the harm that I have identified.
 11. Other buildings in the local area, which have a variety of styles and designs, have been brought to my attention. These do not however support the case for the appeal proposal, as they do not appear to exhibit the same local awkward visual relationship, as would be the case with the appeal proposal.
 12. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the appeal site and the surrounding area, and this is a matter to which I attach substantial weight. I further conclude that the proposal would thus conflict with CS Policy SD1 and the NPPF in this regard.

¹ Herefordshire Local Plan Core Strategy 2011-2031: October 2015: Herefordshire Council

Highway Safety

13. The proposal includes a new area of off-highway parking and turning to serve the existing cottage. The access from the lane to this new area would be on the inside of a bend in the lane in front of the cottage. The area directly in front of the cottage is at a higher level than the lane and a substantial hedge separates the cottage from the lane. The majority of this bend would be to the north of the new access, and both the hedge and the higher ground level would restrict visibility to the north of the proposed access. The proposal includes the removal of part of the hedge, including sufficient to create a visibility splay of 30m to the north of the access for vehicles exiting the parking and turning area. The proposal does not however include any further removal of the hedge or, more importantly, any changes in levels necessary to increase the visibility splay.
14. The section of the lane, which approaches the appeal site from the north, has a relatively straight alignment and falling gradient towards the bend outside the cottage. The appellant has shown that a visibility splay of 30m would be achievable to the north of the proposed access. Under Manual for Streets 2, a required visibility splay of 30m would equate to an approaching vehicle speed of 19.5mph. The appellant has suggested that the average vehicle speeds on this part of the lane are 30mph. The 85th percentile speed on which visibility splays should be based would however, by definition, be higher than the average. Indeed, I drove this section of the lane at my site visit, and I am satisfied that, in view of the nature of the approach to the bend that I have described above, the 85th percentile speed would be noticeably higher than 30mph. It would therefore be likely that there would be a marked difference between the available visibility splay and the visibility splay required in the context of the speed of approaching vehicles.
15. Furthermore, the appellant's visibility splay has been taken to the opposite side of the carriageway, which is not usual practice in these situations. To take the splay to the nearest side of the carriageway would result in a much lower visibility distance. As a result of all of the above points, I consider that the proposal would not incorporate a safe exit as required by CS Policy MT1. It would also have an unacceptable, and indeed severe, adverse effect on highway safety in conflict with the NPPF.
16. The appellant has suggested that the Department of Transport's stopping distance for 30mph is 23m. This is however based on an emergency stop and not visibility splays. It therefore is not the correct basis on which to assess the proposed access.
17. The existing workshop at the appeal property also has an access onto the lane. This however is in a different location to that proposed above and does not have the same viability restrictions as would be the case at the proposed access. I therefore do not consider that its presence supports the appeal.
18. I therefore conclude that the proposal would have a severe adverse effect on highway safety and that it would thus conflict with CS Policy MT1 and the NPPF. This is a matter to which I attach substantial weight.

Housing Land Supply

19. The proposed dwelling would help to address the housing shortfall in the Council's area, and the house type that would be provided is the type of greatest need in the Ross on Wye Housing Market Area. The NPPF seeks to give a significant boost to housing supply, particularly in areas where a five year housing land supply cannot be demonstrated. CS Policy SS1 reflects the NPPF in terms of sustainable development, and I give this policy significant weight.
20. The appeal site is though situated in open countryside where residential development is subject to certain criteria under CS Policy RA3. Whilst the appeal site is located within the parish of Much Marcle, it is some distance from the settlement of Much Marcle, an area which the Council has identified for housing growth under CS Policy RA2. In the absence of a five year housing land supply however, even though the shortfall is not great, I give these policies limited weight in this case where they seek to restrict development in the open countryside.
21. The appellant has suggested that the proposal would comprise the sustainable re-use of a redundant building for housing. Whilst the workshop may well be redundant at the present time, it does not represent brownfield land or a redundant building of merit under CS Policies RA2 and RA3. This matter does not therefore add any weight in support of the appeal.
22. I therefore conclude that the proposal would have a beneficial effect on housing land supply as sought by the NPPF and CS Policy SS1, and this is a matter to which I attach substantial weight.

Conclusion

23. For the reasons set out above, I consider that the harm to the character and appearance of the surrounding area and the adverse impact on highway safety would significantly and demonstrably outweigh the housing land supply benefits of the proposal when assessed against the policies of the NPPF taken as a whole. Having taken into account all other matters raised, including the absence of local objection, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of the development plan as a whole. I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR