

Appeal Decision

Site visit made on 24 April 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 11 May 2017

Appeal Ref: APP/C3810/W/17/3166634

44 Ferringham Lane, Ferring BN12 5LU

- 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 Mr Alan Cornell against the decision of Arun District Council.
 - The application Ref FG/69/16/OUT, dated 15 April 2016, was refused by notice dated 13 July 2016.
 - The development proposed is 4no. 3 bed bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for 4no. 3 bed bungalows at 44 Ferringham Lane, Ferring BN12 5LU in accordance with the terms of the application, Ref FG/69/16/OUT, dated 15 April 2016, subject to the conditions set out in Schedule A at the end of this Decision.

Procedural matter

2. The outline planning application was made with access and layout for consideration at this stage and with appearance, landscaping and scale reserved for future consideration.

Main issue

3. The main issue is the effect that the proposal would have on highway safety in Ferringham Lane.

Reasons

4. The appeal site includes an existing dwelling, which would be retained, on a good-sized plot within the built-up area boundary of Ferring. The site is reached by a drive from Ferringham Lane, which is a private road. The Council has not raised concerns about the layout. I agree.
5. There is an advisory 20 mph speed limit within the nearby part of the roughly 6 m wide Ferringham Lane, which has a footpath beyond a grass verge on the opposite side of the lane to the site. The appellant's transport consultant (the consultant)'s traffic data shows that 85th percentile vehicle speeds were about 30 mph northbound and about 28 mph southbound on this fairly straight section of the lane. Vehicle volumes in a 24 hour period were about 838 northbound and 726 southbound. The proposed 4 m wide roughly 60 m long access to the main part of the site would not be wide enough for 2 vehicles to pass one another safely, so a shared surface pedestrian and vehicle access with an access control system is proposed.

6. The consultant's evidence includes the appellant's land registry plan in support of the appellant's view that the access is 4 m wide for its whole length. Whilst the current width is stated to be about 3.3 m between boundary fences, private rights and ownership of land are subject to other legislation, so they are not directly relevant in this appeal. However, national guidance in *Manual for Streets* advises that street widths of less than 3.25 m should be avoided, since they could result in drivers trying to squeeze past cyclists, so the existing access would satisfy the minimum standard.
7. Swept path analysis in the consultant's evidence shows that refuse vehicles would be able to enter and leave the site in forward gear. The consultant's evidence also explains that access routes for fire service vehicles could be reduced to 2.75 m over short distances and it explains the circumstances where sprinkler systems in dwellings would satisfy Building Regulations requirements. Moreover, the proposed access would comfortably accommodate a large goods vehicle and a pedestrian pushing a buggy or wheelchair user or cyclist.
8. As the shared surface access would be in keeping with similar developments in the area including the recent development at 22 and 24 Ferring Lane, and as the highway authority has not raised concerns about the access, its width could reasonably be controlled by a pre-commencement planning condition. This would also ensure suitable access during construction.
9. Turning to the access control system, due to the close relationship of the access to drives on either side, drivers would reasonably take care when approaching the site. The consultant's evidence explains that vehicles entering the site would have priority over those leaving to minimise the risk of vehicles reversing in Ferringham Lane, and has given a detailed explanation of the way that the proposed traffic light system would operate. As a vehicle would be unlikely to wait in the lane for the lights to change for more than 22 seconds in a worst case situation during the busiest hour, the traffic signal system would ensure that the access would be used safely, and with almost no effect on traffic flow in the lane. Its details could reasonably be controlled by condition.
10. The modest traffic lights would be fitted to posts or other features within the site, so there would be no need for land outside the appellant's control. Because the signals would only be lit when actuated to minimise light pollution, the system would have little visual impact in the street scene in the lane.
11. Therefore, I consider that the proposed development would not be likely to endanger highway safety in Ferringham Lane. It would satisfy Policy GEN7 of the *Arun District Local Plan* which aims to permit development that allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians, and the *National Planning Policy Framework* (Framework) which aims for safe and suitable access to the site to be achieved for all people and for development to only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
12. The other matters that have been raised by interested parties, including character and appearance, parking and drainage, were not concerns of the Council in its reasons for refusal. From the representations made and from what I saw, I see no reason to disagree. As the proposal would be acceptable outline planning permission should be granted subject to the imposition of appropriate planning conditions.

Conditions

13. The Council's suggested conditions have been considered and re-worded as necessary in the light of Framework paragraph 206 and Planning Practice Guidance (PPG). The condition identifying the approved plans is necessary for certainty. The conditions to control the access, traffic light system, visibility splays, and garages, parking and turning spaces including one unallocated visitors' parking space, are reasonable and necessary in the interests of highway safety. The pre-commencement conditions for the access and traffic light system are necessary because they are of prime importance to the acceptability of the development. These conditions have been imposed.
14. The advice in the PPG is that permitted development rights should not be withdrawn save in exceptional circumstances. As no exceptional circumstances have been put to me the Council's suggested condition would not be reasonable, so it has not been imposed.

Conclusion

15. For the reasons given above and having regard to all other matters raised, the appeal succeeds.

Joanna Reid

INSPECTOR

Schedule A

- 1) Details of the appearance, landscaping 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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Illustrative Site Layout – Dwg 10.
- 5) No development shall take place until the 4 m wide shared surface access has been constructed in accordance with the approved plans.
- 6) No development shall take place until details of the traffic light system to control access to and egress from the site have been submitted to and approved in writing by the local planning authority and the details shall include the design, location, operation and maintenance of the traffic light system. No dwelling hereby permitted shall be first occupied until the traffic light system has been installed and is operational in accordance

with the approved details, and the approved traffic light system shall thereafter be maintained in operational order as approved.

- 7) No dwelling hereby permitted shall be first occupied until visibility splays of 2 m x 43 m to the south and 2 m x 39 m to the north have been provided at the access to Ferringham Lane and the visibility splays shall thereafter be maintained and kept free of all obstructions more than 0.6 m above the level of the adjoining carriageway.
- 8) No dwelling hereby permitted shall be occupied until the parking spaces, turning facilities and garages shown on the approved plans and one unallocated visitors' parking space, the details of which shall have been submitted to and approved in writing by the local planning authority, have been constructed as approved, and the parking spaces, turning facilities, garages and visitors' parking space shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

End of Schedule A