

Appeal Decision

Site visit made on 25 April 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/J0405/W/17/3168199

28 Dunton Road, Stewkley LU7 0HZ

- 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 and Mrs Paul Beasley against the decision of Aylesbury Vale District Council.
 - The application Ref 16/01960/APP, dated 20 May 2016, was refused by notice dated 5 August 2016.
 - The development proposed is the construction of a one and a half storey 3 bed dwelling with attached single storey, single garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area including the setting of the Stewkley Conservation Area; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The main part of the appeal site forms a rectangular parcel of land situated to the rear of Nos 22 - 26 Dunton Road, outside of but adjacent to the Stewkley Conservation Area.
 4. The appellant states that the land is used for domestic purposes in association with No 28 Dunton Road, however, I have no evidence to confirm that it lawfully forms part of the garden of that property. The Council's position is that it is an agricultural field. In either scenario, the proposal site would not amount to previously development land as defined by the National Planning Policy Framework (the Framework).
 5. Although partly adjoining residential gardens, the site also adjoins open agricultural fields to the north. The houses in Dunton Road in particular appear well separated and divorced from the appeal site. Consequently, the appeal dwelling would not relate to those properties or the pattern of development in the area. In my view, the appeal site physically and visually appears much more aligned to the countryside and although I accept that it includes two
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sheds, these are subservient in scale and do not materially alter its rural character. The poly tunnel is clearly rural in character.

6. Whilst taken in isolation the design of the proposed dwelling is acceptable, it would, nonetheless, introduce significant built form into the site. Along with the associated domesticating features, the proposal would fundamentally change the character of the site and result in encroachment into the countryside from the edge of the settlement, thereby eroding the rural and open character of the area. I accept that the site benefits from some natural screening and that new supplementary planting is proposed. However, as evidenced by interested parties, the proposal would be visible from the public footpath in the vicinity of the site.
7. As the undeveloped open and rural nature of the site contributes to the setting of the Stewkley Conservation Area, it follows that that the proposal would not preserve or enhance the same. This would be contrary to the expectations of paragraph 132 of the Framework which makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. I would though quantify the extent of this harm as being less than substantial when considered in the context of paragraphs 133 and 134 of the Framework. Here it is anticipated that the harm so quantified, needs to be balanced against any public benefits the development might bring. I have considered this below.
8. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the area and would fail to preserve the setting of the Stewkley Conservation Area. Consequently it would be contrary to Saved Policy GP.35 of the Aylesbury Vale District Local Plan (DLP) which states that development should respect and complement the characteristics of the site and its surroundings. It would also conflict with DLP Policy GP.53 which advises that development will not be permitted if it would cause harm to the setting of conservation areas.
9. The proposal would also be contrary to the core planning principles of the Framework, which seek to encourage the effective use of land by re-using land that has been previously developed and that planning should contribute to conserving and enhancing the natural environment.

Highway safety

10. The appeal site would be accessed via an existing driveway positioned between Nos 26 and 28 Dunton Road. The respective enclosures to these properties run to the back of the footway on either side of the access, thereby restricting visibility in both directions. Dunton Road itself has no centre line and has a posted speed limit of 30mph.
11. Manual for Streets (MfS) provides technical advice on stopping sight distances and visibility requirements. It suggests that a stopping site distance of approximately 40m (the 'Y' distance), or 43m when adjusted for bonnet length, is appropriate for vehicular speeds of 30mph. MfS explains that an 'X' distance of 2.4m from the back of the carriageway should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of a car and the driver's eye. It states that a minimum figure of 2m may be considered in some very lightly-trafficked and slow-speed situations.

12. The appellant has not provided any speed survey data to demonstrate that this is a slow-speed situation, nor has evidence been produced to demonstrate that the road is very lightly trafficked. Based on my own observations it is unlikely that the prevailing highway conditions would fall into either category. Whilst I appreciate that my site visit only provided a snap shot of highway conditions, it is nonetheless, reasonable to assume that traffic would increase at peak times of the day. Accordingly, on the basis of the evidence currently before me, a reduced 'X' distance of 2m would not be appropriate in this case.
13. The appellant has shown that a 2.4 x 43m visibility splay can be provided to the west. However, only a 41m splay can be provided to the east, even using a reduced 'X' distance of 2m. The proposed visibility is therefore substandard and I've not been made aware that the existing boundary treatment to No 26, which prevents improvements being made, is within the control of the appellant.
14. I have noted the appellant's reference to Manual for Streets 2 regarding whether the failure to provide visibility at priority junctions in accordance with the values in MfS will result in an increased risk of collisions. However, in the circumstances of the appeal proposal, drivers using the access would not be able to see sufficiently far enough to the east to be able to judge whether it is safe to exit, or for a vehicle using the highway to see a vehicle at the access and slow and stop in time to avoid a collision. The lack of parking restrictions on this side of Dunton Road would likely exacerbate the potential for conflict.
15. The access presently serves garaging for No 28 and No 28a Denton Road. However, No 28 already benefits from an extensive parking area in front of the dwelling which is more conveniently located than its rear garaging. Therefore, it is likely that most existing vehicular movements associated with that property already take place not from the restricted existing access to the garage but from the front of the property. In contrast, the trips generated by the appeal dwelling, whether that be four or five a day, would be totally reliant on the substandard access.
16. Furthermore, the appeal proposal makes provision for a garage as well as an extensive gravel driveway for parking. I am not therefore convinced that the existing garaging for No 28, which would be outside of the enclosed boundary to the appeal dwelling, would be attractive for use by future occupants, even if its ownership and control were passed to the same. It would remain physically and visually associated with No 28.
17. The proposal would therefore result in the intensification of a substandard access and additional turning movements would have the potential to increase the chance of conflict between users of the Highway and users of the proposed dwelling at the access junction, to the detriment of highway safety and convenience. For these reasons, the proposal would conflict with Buckinghamshire's Local Transport Plan 4 and the Framework, which seek, amongst other matters, to ensure new developments provide safe and suitable access.

Other matters

18. The Council's position is that it has a 5.8 year supply of housing land. On this basis paragraph 49 of the Framework is not invoked. However, the Council

acknowledge that it has no up-to-date housing supply policies in the DLP and that paragraph 14 of the Framework applies.

19. Due to the stage of preparation of the emerging Vale of Aylesbury District Local Plan, only limited weight should be afforded to its policies. Nevertheless, the council acknowledge that Stewkley is a sustainable location for new housing development and I find no reason to take a contrary position. Therefore, in accordance with the Framework, the proposal would increase housing supply, albeit modestly, in a sustainable location. This weighs moderately in favour of the proposal.
20. I also acknowledge the likely limited but positive contribution arising from the occupants of an additional dwelling to supporting local services and facilities and that the proposal would make a contribution to the economic dimension of sustainable development for a limited time through the construction of the dwelling. These can also be considered, in the context of paragraph 134 of the Framework, a public benefit. However, the benefits identified would be significantly and demonstrably outweighed by the harm the development would cause to the character and appearance of the area and to the setting of the conservation area, and to highway safety.
21. Accordingly the proposal would not meet the social and environmental objectives of sustainability and as such would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being sustainable, it follows that no such presumption, as anticipated in paragraph 14, applies.

Conclusion

22. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR