
Appeal Decision

Site visit made on 31 May 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/C3430/W/17/3168976

Land to the Rear of Holly Rock, Astles Rock Walk, Kinver DY7 6QA

- 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 NNR Leisure against the decision of South Staffordshire Council.
 - The application Ref 16/00988/FUL, dated 2 November 2016, was refused by notice dated 21 December 2016.
 - The development proposed was originally described as the construction of a sustainable eco-holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of development on:
 - Highway and pedestrian safety in the vicinity of the site, and;
 - The character and appearance of the area, including the effect on the setting of the Kinver Conservation Area (KCA).

Reasons

Highway Safety

3. The appeal site comprises of an open and undeveloped plot of land located to the rear of a detached dwelling fronting onto Comber Road known as Holly Rock. The site appeared to have been subject to recent earthworks at the time of my visit, with two cleared earth terraces having been created. There is a significant change in the levels between the front and rear of the site, which also reflects the steep gradient of Astles Rock Walk as it rises from Comber Road. The site is located adjacent to a sharp bend in this narrow and unpaved road.
4. My attention has been drawn to a relatively recent appeal decision¹¹ for a single holiday let on this site which was dismissed on the grounds of highway safety and character and appearance. In relation to highway safety, the Inspector concluded that the presence of an access close to the sharp bend would result in severely restricted visibility, that it would not be possible to create a safe passing place, that the narrow width of the road and increase in traffic would result in additional conflict between vehicles and pedestrians and that visibility

¹¹ Appeal Reference: APP/C3430/W/15/3137536

at the junction of Astles Rock Walk and Comber Road is restricted and additional traffic would exacerbate existing safety issues. In coming to these conclusions, the Inspector had regard to the traffic generating potential of a holiday let and the likelihood of visitors walking to access local facilities. This decision is therefore a significant material consideration to which I have had regard.

5. There appears to have been no physical changes to the roads or junctions since the previous appeal. The only reason given by the appellant for why I should take a different approach to earlier appeals is a solicitor's letter and land registry plan which indicates the land owner has a right to access the site. There is also a suggestion that at one time there were access gates into the site.
6. The appellant considers that this establishes a baseline position for the use of the site and thus there would be no increase in the number of vehicular movements as a result. However, the right to access the site does not necessarily equate to there being a comparable level of trips or activity. Moreover, no information has been provided which indicates what the land is currently being used for or what level of traffic generation is associated with it. The land registry plan does not show the location of any vehicular access, establish a use of the land or the number of trips that is likely to be generated by it.
7. There is nothing before me therefore which demonstrates to my satisfaction that the level of trip generation associated with a holiday let would not be greater than what is a vacant plot of land with no obvious current or historical use associated with it. The appellant has also not provided anything which would lead me to disregard the trip generation statistics provided by the Highway Authority. Without substantive evidence to the contrary, it is therefore reasonable to assume that the development would lead to an increase in trips associated with the site and the number of vehicles using Astles Rock Walk and its junction with Comber Road. As such, I see no material difference in the situation than that the previous Inspector considered.
8. The previous appeal was in outline only and access was a reserved matter. In this case, the position of the access is shown. While it would be possible to access and egress the site in a forward gear, I saw that the location of the access is in such close proximity to the corner that it would not provide a good level of visibility in either direction. Contrary to the appellant's assertion, I saw no formal passing places between the site and Comber Road and the narrowness of the road is likely to lead to conflict between vehicles and with pedestrians. The access would not provide an opportunity for safe passing and any potential problems associated with vehicles waiting in the carriageway would not be resolved. The access arrangements shown on the submitted plans do not therefore lead me to conclude differently to the previous Inspector with regard to the concerns over an access in this location.
9. I recognise that there are a number of dwellings that are already accessed off this road. However, as concluded by the previous Inspector, the narrow and unpaved nature of Astles Rock Walk would mean any additional use of the lane would lead to an increase in risk of pedestrian and vehicular conflict. Moreover, the degree of visibility at the junction of Astles Rock Walk and Comber Road remains constrained. The likely intensification of the use of this

junction would only serve to exacerbate existing safety concerns. These would not be mitigated by the likelihood of occupants making occasional walking trips in the area.

10. Taking all of the above matters into account, I find that the development would have an unacceptable detrimental impact on the highway and pedestrian safety in the vicinity of the site. This would conflict with the National Planning Policy Framework (the Framework) which requires development to provide safe and suitable access for all people.

Character and Appearance

11. The area around the site is predominantly residential, with a variety of house types in the area. The area has an open and verdant semi-rural character with existing dwellings being set in relatively generous plots. The site sits outside but directly on the edge of the KCA.
12. The building, which would be of a distinctive and contemporary single storey design, would be located right up to the southern boundary of the site and take up almost its full width. The area used for the building, access and parking would take up the majority of the lower portion of the site. The plans show no development on what is currently the higher terrace. However, even if this were given over to garden or amenity space, the intensive use of the lower area would still result in a building that would appear squeezed into the width of its plot. Even if taking into account the plot ratios of dwellings on Astles Rock Walk only, the proposal would still result in a small, cramped and incongruous form of development that would not complement or respond positively to the existing residential character of the wider area. This would be particularly apparent when approaching from the direction of the bend in the road.
13. It is not clear from the plans to what extent the soft landscaping that currently exists around the southern boundary of the site would need to be removed to accommodate the building. However, it is unlikely that the building would be completely or permanently screened from publically accessible vantage points, including from Comber Road. The topography of the area is such that the development would be in a high and prominent location and the uncharacteristic nature of the proposal would be readily apparent to passers-by along Comber Road and users of Astles Rock Walk. The proximity of the site to the KCA means that it is also in a sensitive location in terms of local heritage. For the reasons given above, the development would also fail to preserve the character and appearance of the KCA's setting.
14. I find therefore that the development would have an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with the Core Strategy (CS)² policies EQ3, EQ4 and EQ11 which seek, amongst other things, to ensure development takes account of and respects local character and does not have a detrimental effect on the immediate environment. It would also conflict with CS Policy EQ3 which requires a proportionate assessment of the effect of development on heritage assets.

² A Local Plan for South Staffordshire – Core Strategy Development Plan Document – Adopted 11 December 2012

Other Matters

15. I have noted the comments in relation to the contribution the holiday let could make to the local tourist economy and the intention to incorporate energy efficiency measures into the building. However, the benefits associated with this would be limited in scale and do not outweigh the harm I have identified in terms of highway safety and the character and appearance of the area.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR