
Appeal Decision

Site visit made on 27 June 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 14 July 2017

Appeal Ref: APP/G2713/W/17/3171484

Framfield House, Main Street, Shipton By Beningbrough YO30 1AD

- 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 Mrs M Johnson against the decision of Hambleton District Council.
 - The application Ref. 16/02464/FUL, dated 8 November 2016, was refused by notice dated 27 January 2017.
 - The development proposed is retention of three existing dwellings located within converted outbuildings to the rear of Framfield House.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - (i) the effect of the proposed development on highway and pedestrian safety; and
 - (ii) whether the development would provide satisfactory living conditions for occupiers, with particular reference to amenity space.

Reasons

Highway and pedestrian safety

3. The appeal site lies to the rear of Framfield House and comprises a range of single-storey outbuildings which have been converted to form three one-bedroomed dwellings overlooking a communal amenity space. Pedestrian and vehicular access to the site from the A19 (Main Street) is via Burrells Lane; an unmade and unadopted track which serves a number of residential properties, including Framfield House, together with a telephone exchange and agricultural land to the west of the village. The route is also a public right of way.
 4. In accordance with the relevant parking standards the development includes provision of three parking spaces between the Annexe and Cottages 1 and 2 to serve the dwellings. A turning space within the hard-surfaced yard to the rear of the main house is also proposed. The spaces would not immediately adjoin the entrance doors to any of these dwellings. Their size would accord with the dimensions set out in *Manual for Streets* and I see no reason why, in circumstances where all three spaces are in use, parked vehicles would prevent
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- pedestrians from reaching the dwellings, outdoor amenity space and the bin store.
5. Passage between parked vehicles with a push chair or wheelchair may be less easy as might access for emergency personnel or those occupiers of the main dwelling using the storage building. However, such instances would not be frequent and do not warrant dismissal of the appeal on this basis.
 6. Drawing No C-50 Rev A demonstrates that vehicles would be able to turn within the site in order to enter Burrells Lane in a forward gear. Keeping the turning space clear for its intended purpose would, however, preclude parking within the site for Framfield House and car-borne visitors to the appeal properties. As a result, these vehicles would have to park on Burrells Lane or Main Street, with implications for highway safety.
 7. Whilst not an issue for the Council, interested parties refer to restricted visibility for a driver exiting Burrells Lane on to Main Street. There is a 30mph speed limit within this part of the village and no parking restrictions on the busy Main Street in the vicinity of its junction with Burrells Lane. The relevant visibility standard required by *Manual for Streets* cannot be achieved when vehicles are parked within the splays. This was the case during my site visit, when vehicles were parked to the south of the junction severely restricting sight of approaching northbound traffic and cyclists for an emerging driver. In these circumstances the safety of road users would be severely compromised, including those in the emerging vehicle.
 8. I acknowledge that existing users of Burrells Lane are exposed to this risk, but this does not justify compounding the hazard by increasing the number of vehicles using the junction. Furthermore, in circumstances where there are other vehicles parked on Burrells Lane close to the junction, as was the case at my visit, there would be conflict between vehicles leaving the lane and those turning in from Main Street. This could result in vehicles manoeuvring or waiting on the A19 and adds weight to my concerns regarding the appeal proposal.
 9. The coming and going of vehicles associated with the development would not appreciably compromise the safety of pedestrians within the site or those using Burrells Lane or the footway adjacent to the junction with Main Street.
 10. For these reasons, I conclude on the first issue that whilst the proposed development would not harm pedestrian safety, it would seriously compromise highway safety. As such, it would conflict with policy CP1 of the Core Strategy¹ which, amongst other things, does not permit development that would generate an adverse traffic impact. The proposal would also breach policy DP3 of the Development Policies Document² (DPD) which includes a requirement for development proposals to include provision for minimum levels of car parking commensurate with road safety.

Living conditions

11. Amongst other matters, policy DP1 of the DPD requires development to make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space. I have not been referred to any supplementary planning guidance or other standards

¹ Hambleton Local Development Framework: Core Strategy (2007)

² Hambleton Local Development Framework: Development Policies (2008)

regarding amenity space and shall therefore consider this aspect of the appeal on its planning merits having regard to the broad objectives of policy DP1.

12. The amenity space would comprise an area of timber decking and grass at the western end of the appeal site adjacent to the boundary. Although reference is made to other space to the front of the main house, it is not included within the red lined application site and is not therefore taken into account.
13. The area of amenity space is communal and modest. However, these are small, one-bedroomed dwellings unlikely to be suitable for occupation by families with children where amenity space needs would be greater. The area would provide reasonable space for occupiers to sit out and relax albeit that their privacy would be limited. Nevertheless, I consider the amenity space adequate for the needs of the occupiers of the three dwellings.
14. Whilst the parking and coming and going of vehicles and passengers in close proximity to the dwellings would diminish the occupiers' enjoyment of their homes to some degree it does not provide compelling grounds to dismiss the appeal.
15. I conclude on the second issue that the proposal would provide satisfactory living conditions for occupiers of the subject properties and would not conflict with policy DP1 of the DPD.

Other Matters

16. In coming to these findings, I acknowledge that the proposal may provide housing choice and contribute to meeting housing need in the area. I also appreciate that the site is in an accessible location with access to local facilities and services. However, these factors do not outweigh the harm I have found in relation to highway safety.
17. Although other concerns have been raised there is no specific evidence before me to substantiate those matters, and they have not been decisive in my findings.

Conclusion

18. Despite my favourable conclusions on the living conditions issue, my findings in relation to highway safety lead me to conclude overall that the appeal should be dismissed. In coming to this view I have taken account of all the other matters raised in the representations, including letters of support, but none outweighs those that have led me to my decision.

Michael Moffoot

Inspector