
Appeal Decision

Site visit made on 21 July 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 17th August 2017

Appeal Ref: APP/C1625/W/17/3174736
27 Wickwar Road, Kingswood, GL12 8RF

- 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 Harsten Developments against the decision of Stroud District Council.
 - The application Ref S.17/0214/FUL, dated 26 January 2017, was refused by notice dated 15 March 2017.
 - The development proposed is erection of a two storey dwelling house and garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application plans do not show the current extent of the neighbouring property (no 27 Wickwar Road), which I was asked to visit. Following my site visit, I therefore sought the views of the main parties on any bearing this may have on my determination of the appeal. Having received their responses and having taken into account the views of the neighbour, I have reflected this matter in the main issues.

Main Issues

3. The main issues in this appeal are (i) the effect of the proposal on the safe operation of Wickwar Road; (ii) its effects on the character and appearance of the area; (iii) the effects on protected species; and (iii) the effects on the living conditions of the occupiers of 27 Wickwar Road with regard to light and noise and disturbance.

Reasons

4. The appeal site comprises an overgrown parcel of land between two residential properties that form part of a line of dwellings along the northern side of Wickwar Road.

Safe operation of the highway

5. The proposal would create a new single vehicular access onto Wickwar Road and there would be space laid out within the site to enable vehicles to turn and leave it in a forward gear.
6. Wickwar Road is subject to a 30mph speed limit. In this circumstance, and in the absence of a speed survey to determine actual speeds, the Council

considers that in order to achieve safe and secure access, visibility splays of 2.4m ('X' distance) x 54m ('Y' distance) are required in both directions along the street. The width of the site in combination with the different land ownerships either side, prevent this from being achieved.

7. The appellant has submitted a Stage 1 Road Safety and Mobility Audit¹ that suggests the 2.4m 'X' distance could be reduced to 2m on the basis of the very low accident rate and that the road is lightly trafficked. At the time of my site visit, I observed that passing traffic was relatively frequent and a number of vehicles appeared to be travelling at considerable speed.
8. The highway authority accepts the provision of a 2m 'X' distance. However, a 'Y' distance of 54m in both directions is still required on a 30mph road. The greatest visibility that could be achieved by the proposal would be 'Y' distances of about 36.5m to the south west and 27.5m to the north east respectively. Manual for Streets 2 (MfS 2) advises that lesser 'Y' distances may not lead to a significant problem where there is local supporting evidence to back this up. I have no evidence to demonstrate that vehicle speeds are below the posted speed limit. In fact, the evidence I do have in respect of vehicle speeds indicates to the contrary. I therefore consider there to be no case for 'Y' distances to be less than the recognised standard of 54m. Even if I were to accept otherwise, the achievable 'Y' distances would fall so far below this, I am not persuaded that safe and secure access could be achieved in any case.
9. Although MfS 2 does not form part of local or national planning policy, it nonetheless provides widely recognised and accepted guidance. As such, I give it significant weight as a relevant material consideration. Furthermore, although Manual for Gloucestershire Streets does not form part of the statutory development plan, it generally follows the guidance in MfS 2 and can also therefore be given some weight.
10. I note that there are similar access situations at other properties along Wickwar Road. However, their existence does not justify the provision of a sub-standard access when assessed against the relevant development plan policies.
11. The evidence includes references to the number of vehicle trips likely to be generated by the proposed development based on the TRICS modelling system. The appellant argues that the suggested 6.7 vehicle movements per day appear too high for a single dwelling. However, the proposal is for a four bedroom dwelling and thus it would provide family accommodation. I therefore have no reason to doubt the suggested trips figure and there is no substantive contrary evidence before me.
12. I have considered the proposal's potential effects on pedestrians and cyclists in the context of Paragraph 35 of the National Planning Policy Framework (the Framework). There are pavements on both sides of Wickwar Road and it is well lit. Given their modest travelling pace and the relatively straight road layout, I am satisfied that pedestrians would be sufficiently aware of vehicles about to enter or leave the site. However, I am not persuaded that cyclists travelling north east along the road would have sufficient warning to be able to take evasive action to avoid a potential collision given the speeds at which they may be travelling.

¹ By Cotswold Transport Planning, dated January 2017; document reference CTP-16-393

13. To conclude on this main issue, the combination of a sub-standard access and the likely number of vehicle movements would be detrimental to the safe operation of Wickwar Road. Accordingly, the proposal would run counter to policy HC1 of the Stroud District Local Plan (2015) (LP), which amongst other things, requires residential development to have a layout, access and parking appropriate to its surroundings. It would also conflict with LP policy ES3 that includes a restriction on development that would have a detrimental impact on highway safety.
14. My attention has been drawn to the absence of objections from Highways England in relation to a nearby development of 61 dwellings. Whilst this is acknowledged, there is a substantial difference between a development on that scale and the one before me. In any case, the evidence in this appeal indicates that this other scheme would not have had consequences for the strategic road network and would thus fall outside the remit of Highways England. Therefore, the appellant's arguments in this regard do not alter my overall findings that the proposal would have an adverse effect on the safe operation of Wickwar Road.

Character and appearance

15. The proposed dwelling would sit forward of its neighbours on either side by varying degrees. The Council argues that this would disrupt the rhythm of the street as most other properties are set back on their plots with relatively large front gardens.
16. However, there is not consistent building line along Wickwar Road and the overall character is comprised of a mix of dwelling styles with some variation in plot frontage depths. I do not therefore consider that the proposal would be so markedly at odds with the overall pattern of surrounding development that it would have an adverse effect on the character and appearance of the area.
17. Furthermore, although the plot tapers to the north, it has a wide frontage and the dwelling would maintain a substantial amount of space between its flank walls and the boundaries. I am not therefore persuaded that it would appear cramped on the plot or that there would be a sense of overdevelopment on the site.
18. For the above reasons the proposal would not conflict with LP policy HC1, which includes a requirement for residential development to be compatible with its surroundings in terms of scale, density, layout and design.

Protected species

19. The site is a modest parcel of land but could nonetheless provide a suitable terrestrial environment for Great Crested Newts for which there are records of this species inhabiting nearby ponds. Because the site is currently overgrown, I was unable to make an adequate assessment of its potential biodiversity interest at my site visit. However, the appellant has suggested that such a matter could be satisfactorily addressed by means of a planning condition.
20. In order to establish if any protected species inhabit the site a survey would be necessary. Only then would it be possible to make decisions on what mitigation measures might be required in order to prevent harm to protected species. I do not have a survey or desk study before me.

21. Circular 06/2005 (the Circular) states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
22. I acknowledge that the Circular says surveys should only be required where there is a reasonable likelihood of species being present and affected by the development. However, it is clearly necessary to firstly establish whether or not they are.
23. The appellant suggests that this matter could be adequately addressed by means of a planning condition. The Circular advises that surveys should only be required by condition in exceptional circumstances. Given the nature of the proposal, I do not consider exceptional circumstances exist and I am not persuaded that a planning condition would provide a suitable mechanism for addressing the presence of, and any necessary mitigation for, protected species. Consequently, I am unable to conclude that there would be no harm to protected species and therefore consider the proposal runs counter to LP policy ES6 that amongst other things, seeks to resist development that would adversely affect protected species unless safeguarding measures can be provided.

Living conditions

24. At my site visit, I observed that next door's rear extension includes a large kitchen/dining area with a substantial window overlooking the site over a low boundary fence. The detached garage that forms part of the proposal would be sited directly in front of this window. However, given the presence of other windows and glazed doors within the extension, I am not persuaded that the garage would have a material effect on the amount of light reaching this part of the neighbouring dwelling.
25. Notwithstanding this, the proposed driveway and rear turning area would be sited in close proximity to next door's bedrooms. The comings and goings likely to result from the occupation of a family dwelling, including vehicle movements and the shutting of car doors would in my view, result in an unacceptable level of noise and disturbance that would adversely affect the living conditions of next door's occupiers.
26. Whilst I recognise that next door's occupiers may have been aware of the previous applications for development on the appeal site, I have made my decision in light of the scheme before me and conclude that the proposal would run counter to LP policy ES3, which seeks to maintain quality of life.

Other Matter

27. Other schemes on the appeal site were granted permission in 2007 and 2008. Whilst I note that the decision notices for these schemes did not include conditions related to highways or ecology, I do not have full details of what led the Council to consider them acceptable. I have also taken into account the absence of ecology reasons for the Council's refusal of an application on 2016.

However, I have determined the appeal on its own merits and in accordance with the current development plan and national planning policy circumstances.

Conclusion

28. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector