



Appeal Decision

Site visit made on 20 November 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 27th November 2017

Appeal Ref: APP/W3005/W/17/3181585

Electricity Sub Station, Private Road, Hucknall, NG15 6PP

- 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 G Oxford against the decision of Ashfield District Council.
 - The application Ref V/2016/0781, dated 16 December 2016, was refused by notice dated 10 February 2017.
 - The development proposed is the construction of a 3 bed house in redevelopment of former substation site.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a 3 bed house in redevelopment of former substation site at Electricity Sub Station, Private Road, Hucknall, NG15 6PP in accordance with the terms of the application, Ref V/2016/0781, dated 16 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01, PL02, PL03 and PL04.
 - 3) No development shall commence above ground level until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been

previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

Main Issue

2. The main issue is the effect of the proposed development upon highway safety.

Reasons

3. The appeal site comprises of a former electricity substation building. This is of brick construction with a tiled roof and is located towards the southern end of Private Road, an unadopted access road which serves a number of properties along its length.
4. The road is narrow and acts as a shared surface between pedestrians and vehicles accessing the dwellings it serves. Its surface is a mixture of tarmac and compacted hardcore. The road is long and straight with good visibility along its length. While I appreciate my site visit constitutes only a 'snap-shot' in time, I saw that the road is quiet, serving only the residents along it and not as a through-route.
5. The appellant has submitted an assessment of highways impacts as part of the appeal, undertaken by a transport consultancy. Up to 9 movements per dwelling is estimated and in adopting such a figure for the proposed dwelling, I consider that additional vehicular movements along Private Road as a result of the addition of a single further dwelling would not be significant.
6. I consider that the occasions when two vehicles would meet would be infrequent and in any case the multiple accesses along the length of the road would act as an informal passing place.
7. The minimum width of the road is around 4.5m which is considered to be suitable in order to allow for safe passage of vehicles and pedestrians or cyclists. Moreover, as demonstrated in the Highways Assessment, there have been no recorded incidents along Private Road and at the junction with Wood Lane during the last 10 years.
8. The road is in need of some maintenance and repair and I saw that there were a number of small potholes along its length. However in light of my findings above this in itself would not justify the dismissal of the appeal. Any future maintenance would be a private matter between the shared owners of Private Road.
9. Off street parking for 2 cars would be provided and I consider this would be adequate for a 3-bed dwelling. An existing verge along the site frontage would also be retained by the development and at this point the width of the road to around 8.2 metres would continue to allow for turning within Private Road without the need to trespass onto private property.
10. Overall, I conclude that the addition of a single dwelling on Private Road would not result in any material risk to the safety of users of the highway.

Accordingly, I find that the development would comply with saved Policy ST1 of the Ashfield Local Plan Review (2006) which seeks to approve development where it will not adversely affect highway safety. The proposals would also comply with paragraph 35 of the National Planning Policy Framework which requires that development should be located and designed to create safe and secure layouts which minimise conflict between traffic, cyclists and pedestrians.

Other Matters

11. A number of objections were made in respect of loss of privacy and enclosure to neighbouring properties. However, the scheme has been designed so that there would be no windows overlooking into High View. Due to the positioning on the plot and the separation distance between this property and the proposed dwelling, I do not consider that there would be any enclosure or loss of light which would adversely affect occupants at High View.
12. Rockwood is located opposite the appeal site and would have a separation distance of around 28metres, as well as a conifer hedgerow to its boundary. I consider that there would be no loss of privacy in this regard. Similarly, there is a separation distance of around 327metres to dwellings along Priory Road which share a rear boundary with the appeal site. Again on this basis I find no loss of privacy or enclosure.
13. There is a great variety in the age, style and form of dwellings along Private Road. The proposed dwelling would be in a modern design which would complement the mixed character of the area, rather than detract from it. The scale of the dwelling would also be appropriate for the plot size.
14. Connection to services such as water and gas would be dealt with under other regulatory requirements. There is no evidence to suggest that the development would cause drainage problems and technical solutions in respect of the connection should be addressed through the Building Regulations. In respect of ecological concerns, a Bat Survey was carried out and no evidence of bats was found.
15. Concerns have been raised about potential effects on health with regard to the proximity of a separate electricity substation adjacent to the site, however there is no evidence to support such claims. Finally, any queries with regard to access rights are a private matter between the appellants and the relevant owners.

Conditions

16. I have had regard to the Council's suggested conditions. I have attached a condition limiting the life of the planning permission, in accordance with the requirements of the Act. I have also specified the approved plans as this provides certainty.
17. I have specified a condition in respect of materials samples, in order to preserve the character and appearance of the area, amended from the Council's suggested wording as I do not consider it necessary to be a pre-commencement condition. Due to the use of the site, a contamination condition is necessary to protect the living conditions of future occupants. I have however, amended the wording of the Council's suggested conditions so that it is more concise.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR