
Appeal Decision

Site visit made on 27 November 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 20th December 2017.

Appeal Ref: APP/X1118/W/17/3181892

Rear of Grassmere House, King Street, Combe Martin, Ilfracombe, North Devon EX34 0BS

- 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 Pauline Taft against the decision of North Devon District Council.
 - The application Ref 61999, dated 12 October 2016, was refused by notice dated 15 May 2017.
 - The development proposed is erection of affordable dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of affordable dwelling at Rear of Grassmere House, King Street, Combe Martin, Ilfracombe, North Devon EX34 0BS in accordance with the terms of the application, Ref 61999, dated 12 October 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: Drawing nos. NDC001, NDC002, NDC004 (12/03/2017) and Drawing 123.

Procedural Matter

2. The appellant's evidence confirms that the proposal is for a smaller 2 bed dwelling and not an affordable dwelling within the meaning of Annex 2: Glossary to the National Planning Policy Framework (the Framework).

Main Issue

3. The main issue in this case is the effect of the proposal on the safe and efficient operation of the highway.

Reasons

4. The proposed dwelling would be located on an elevated piece of land to the rear of Grassmere House, immediately behind its parking area. Access to the development would be via an existing private driveway onto the A399 between Grassmere House and its neighbour, 16 King Street.

5. Visibility for drivers emerging from the access is restricted by Grassmere House which sits at the back edge of the pavement. Whilst it is not possible to achieve acceptable sight lines using a 2.4 m X distance¹, a good standard of visibility is possible from 2.0 m. Manual for Streets explains that this reduced figure may be considered in some very lightly-trafficked and slow-speed situations.
6. The Highway Authority argues that the A399 is not lightly-trafficked given its role as a county primary route and a link between the A361 and Ilfracombe. However, it was clear from my observations that the majority of vehicles travel at or below the 30 mph speed limit. This is due to the varying carriageway widths and the character of this road as a village street with parked cars and other hazards along its length.
7. It is argued that the 2.0 m standard of visibility is only achievable by including the concrete drainage channel within the road. I accept this to be the case, but the channel is not used as part of the running carriageway, lying beyond the tarmac and double yellow lines. It was evident to me that, by taking a central position in the access, emerging drivers have adequate visibility of oncoming vehicles approaching from both directions, without having to protrude significantly into the path of oncoming traffic. This enables them to pull out safely without endangering cyclists or obstructing the flow of vehicles.
8. I note the concern that the driveway is on a gradient and of insufficient width to enable two vehicles to pass one another. On rare occasions when arrivals and departures coincide this may lead to a vehicle waiting on King Street whilst another exits. However, I have seen no compelling evidence to persuade me that this is materially detrimental to safe functioning of the road.
9. The existing parking area is used by the occupiers of the three flats in Grassmere House and 16 King Street adjacent. Between them, these residents have use of six spaces. The additional vehicle movements associated with a modest two-bed dwelling are unlikely to make a significant difference to the operation of the access. There is no evidence in the form of accident records to show that this, or indeed any of the other substandard accesses highlighted to me along this particular stretch of the A399, is dangerous.
10. The parties have drawn my attention to a number of appeal decisions for other sites in the area. Limited details have been provided regarding the cases at Kiln Lane and Rock House Farm whilst I have only been provided with extracts from the decision letter for Corner Lane. It is apparent that visibility at the junction of Corner Lane and the A399 is worse than in the current scenario. Notwithstanding this, cases need to be considered on their own merits and I have determined the appeal on that basis.
11. Accordingly, I conclude that the proposal would not have a material adverse effect on the safe and efficient operation of the highway. As such, there would be no conflict with the highway safety aims of Policy TRA6 of the North Devon Local Plan (2006). This policy is consistent with the objective of the Framework to ensure safe and suitable access to sites.

¹ Defined within Manual for Streets as the distance back along the minor arm from which visibility is measured.

Other Matters

12. The parish council queries whether the existing gabions would be capable of supporting the load of the new dwelling. No technical evidence has been put to me on this point but it is a matter subject to separate controls in any event.
13. Although the parish council requests that the dwelling be secured as affordable housing, I have not been directed to any development plan policy which would justify this. Even if it could be framed appropriately, a planning condition would not pass the test of necessity.

Conditions

14. In addition to the standard time limit condition I have attached a condition to identify the approved plans, to provide certainty. The Council has not suggested any further conditions and I agree that none are required.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR