The Planning Inspectorate

Appeal Decision

Site visit made on 9 April 2018

by S Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2018

Appeal Ref: APP/F1610/W/17/3191798
Land adj. 19 Point Road, Avening, Gloucestershire GL8 8LY

- 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 S Trinder against the decision of Cotswold District Council.
- The application Ref 16/03573/FUL, dated 30 August 2016, was refused by notice dated 16 August 2017.
- The development proposed is the erection of a detached 3-bed dwelling together with associated ancillary development.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr S Trinder against Cotswold District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The proposed dwelling would be sited on what is the slope of a hill, set within the Cotswolds Area of Outstanding Natural Beauty, Point Road is narrow with no footway, with a 30mph speed limit. The proposal includes two parking bays, parallel with the highway edge. When emerging from the proposed parking bays, the vehicles would drive immediately onto the public highway. The parking bays would be set between retaining walls to either side.

5. As parallel parking bays are proposed, there is likely to often be one car parked behind another. Depending on which way the vehicle approached the bay, the driver-side of the vehicle could be positioned on the side nearest the proposed house. In this scenario, when driving out from the parking bay, views would be significantly restricted by either the retaining walls to the sides of the parking bay area, or by the another parking vehicle in the other proposed space. The driver would be heavily reliant on angled views behind and also the use of mirrors (resulting in possible blind spots), which could mean other vehicles, or potentially pedestrians or cyclists, not being seen before driving out.

6. The parking bays are of a suitable size to accommodate two vehicles, but the retaining walls would be close to either end of the parking area. From the plans submitted, these retaining walls would be of a height that would obscure the

view of drivers of emerging vehicles. Furthermore, it would not be reasonable to add a condition that vehicles would have to approach and park in a certain manner for better visibility, as it would be difficult for a vehicle to turn in the narrow carriageway. Such a condition would also be practically unenforceable for the Council as constant monitoring would be required.

7. I acknowledge that Point Road has had no recent recorded accidents and is lightly trafficked with relatively slow average vehicle speeds. However, pedestrians and cyclists do also use this highway, which accords with my observations during my site visit, and their safety could be detrimentally affected by the proposed parking given the restricted visibility. I understand that care could be taken when driving out of the proposed bays, but the restricted visibility would be such that there would be an adverse effect upon highway safety.

8. There is an area of Point Road opposite the site which is used for on-street parking for several vehicles. Whilst this on-street parking is parallel to the highway edge, anyone approaching would have better forward visibility to see these parked vehicles and if they were in the process of pulling out. Furthermore, there is potentially better visibility for drivers emerging from the spaces than would be possible with the proposed arrangement, due to the retaining walls. Also, as the Council states, parallel parking designed on the adopted highways should be set into the highway extent, to provide suitable levels of visibility, which is not the case with the proposal.

9. The supporting final statement submitted by the appellant refers to Manual for Gloucestershire Streets, Manual for Streets 1 & 2 and Design Manual for Roads and Bridges (DMRB), and states that there is no detailed guidance for emerging visibility in these documents. The site layout plan (ref: 15618/20C) which has visibility lines and dimensions added was submitted on behalf of the appellant with the final statement. I have taken into account the submitted statement and this site layout plan, along with the documentation referred to. However, in this case the proposed parking bays would not allow vehicles to emerge perpendicular with the road and driving from the parallel position onto the highway would require greater visibility for the driver than can be achieved in this situation.

10. The nearby street light would provide some benefit, however, whilst there is some street lighting on the road and the proposed spaces would be larger than those set out in the County Council guidance, the proposed parking provision would not be adequate to ensure highway safety.

11. There are other accesses into properties off Point Road, of which some may not meet current highway visibility standards. However, no substantive information has been provided as to the planning history of other addresses relating to access and parking arrangements and it is not clear if these parking areas have the benefit of planning permission. However, any other existing substandard accesses would not be sufficient reason to accept a development that would have an adverse impact to highway safety.

12. Paragraph 32 of the National Planning Policy Framework (the Framework) has been raised by the appellant to support their appeal, particularly the third bullet point. The third bullet point of paragraph 32 is concerned with improvements which can be undertaken within the transport network that cost effectively limit the significant impacts of development and that development

should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I agree that the proposals would have minimal impact to traffic flows and highway capacity, but this does not address the issue of highway safety and I am not convinced that the appeal scheme would provide safe and suitable access to the site for all people, as per the second bullet point to paragraph 32.

13. The Framework in paragraph 35 includes a requirement that developments should be located and designed, where practical, "to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians". The appellant has stated that as the Framework includes the wording "where practical" some flexibility should be used. However, where there is an issue of highway safety, such flexibility should only be applied where suitable levels of safety can be achieved. In this case, the proposed parking and access arrangements would not minimize conflicts between traffic and cyclists or pedestrians, due to the proposed substandard visibility.

14. In conclusion, for the reasons given above, the proposals would result in harm to highway safety for those using Point Road, thereby being contrary to policy 38 of the Cotswold District Local Plan, which seeks to ensure appropriate access for developments. It also would not provide safe and suitable access to the site for all people and conflicts with the Framework in this regard.

Other Matters

15. I acknowledge that no issue has been raised regarding the character and appearance of the area. Furthermore, there would be a benefit with the provision of a dwelling within the settlement towards housing supply. However, these points do not outweigh the significant highway safety effects.

16. Whilst I understand that throughout the planning application process there have been amendments submitted and correspondence or advice from the Council, my decision is concerned with the merits of the proposal in front of me.

Conclusion

17. For the reasons given above, I conclude that this appeal should be dismissed.

Steven Rennie

INSPECTOR