
Appeal Decision

Site visit made on 25 June 2018

by M Bale BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2018

Appeal Ref: APP/X1118/D/18/3192819

Old School House, Bickington Road, Bickington EX31 2JG

- 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 Capner, Capner Property Developments Ltd against the decision of North Devon Council.
 - The application Ref 63999, dated 13 October 2017, was refused by notice dated 19 December 2017.
 - The development proposed is alterations to the existing wall/gate to the front to provide vehicle access and parking to the rear of the site.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on highway safety with particular regard to visibility at the access.

Reasons

3. The site is within the urban environment of Bickington and access is proposed onto the main road through the settlement. The proposed access would be on the inside of a bend and when exiting from the site, visibility to the left would be restricted by a wooden utility pole and to the right by the adjoining building. The access would serve a single family dwelling with an anticipated number of vehicle movements of between 6 and 8 vehicles per day. This is a low number.
4. Guidance on visibility splays is provided in Manual for Streets (MfS) and Manual for Streets 2 (MfS2). My attention has been drawn to Devon County Council advice regarding private accesses. However, this largely relates to widths and layouts, with references to visibility repeating MfS advice.
5. MfS paragraph 7.7.6 states that the distance back from the carriageway edge from where a visibility splay is measured (the X distance) should normally be 2.4 metres in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye. At paragraph 7.7.7, it goes on to say that a minimum figure of 2 metres may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm.

6. The guidance is repeated in MfS2 at paragraphs 10.5.6 and 10.5.8 where it is clarified that if the X distance is to be reduced to 2 metres, flows on the minor arm should be low, such as in the appeal proposal. However, it stops short of saying that this is always appropriate for private drives as a reduction also requires speeds to be low and in this regard, there is little evidence before me from the parties. The Council's suggestion that it relates to speeds below 20 miles per hour is unsubstantiated, as is the appellant's assertion that the identified speeds are low.
7. The observed traffic speeds in the area are higher than the 30 miles per hour speed limit and these speeds are also at the upper end of those considered appropriate for applying MfS guidance in this regard¹. In the absence of any substantive evidence to the contrary, this leads me to conclude that traffic speeds past the site are not low. Even if I am wrong, the guidance for a reduced X distance also indicates that the ability of drivers and cyclists to see the protrusion of a vehicle into the running carriageway from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered². It would not, therefore, seem appropriate to reduce the X distance where there are also shortfalls in the distance that a driver who is about to exit from the site is required to see or be seen (the Y distance) and it is to this that I now turn.
8. In this case, the Y distance should be between 43³ and 45⁴ metres, however, the evidence before me is inconsistent in terms of what is available. Various figures are cited, including an assessment by the Local Highway Authority in 2007, a report by Paul Green (neither of which are before me in full) and an assessment (based on an X distance of 2 metres) by PCL Transport. Only the latter indicates that a distance approaching the appropriate Y distance is available to the right, but the technical note is not supported by drawings or any other explanation of how the measurement was arrived at and so I attribute it limited weight. My observations on site accord more closely with the only clear evidence as to the available visibility, being that shown on proposed drawing P/2095/101(01)/A which are significantly short of those required, albeit based on a 2.4 metre X distance.
9. Overall, based on the evidence before me and my observations at the site, I conclude that due to the speed of traffic and restrictions in the available Y distances, justification for a reduction from the normal requirement for a 2.4 metre X distance has not been demonstrated. With this, the available visibility is significantly below that required by MfS. Such would result in harm to highway safety contrary to those parts of saved Policy TRA6 of the North Devon Local Plan 1995-2011 (LP) that seek to ensure that provision is made for the safe access onto the highway and that the safety of highway users is not harmed. It would also conflict with the National Planning Policy Framework (the Framework) insofar as it seeks to ensure that safe and suitable access to the site can be achieved.

¹ MfS paragraph 7.5.1 and MfS2 paragraph 1.3.6 indicate that the stopping sight distances described in MfS may be applicable for speeds up to 37 or 40 miles per hour respectively.

² MfS paragraph 7.7.7; MfS2 paragraph 10.5.8

³ Based on a previous Council report, from the applicable speed limit, cited in the Planning, Design and Access Statement.

⁴ Based on the appellant's observed traffic speeds in the PCL Transport Technical Note.

Other matters

10. The site is within a conservation area and adjacent to a listed building. I note that the Council has not raised any objection on heritage grounds and there is nothing in the evidence that leads me to disagree. Therefore, I also conclude that the proposed works would ensure that the character and appearance of the conservation area and the setting of the listed building were preserved. Accordingly the significance of these designated heritage assets would not be harmed.
11. The appellant has referred to a number of other LP policies, including DVS1, DVS3, ENV16 and TRA8. Whilst I have not identified any conflict with these policies, neither this, nor any benefits that may arise from the provision of off-street parking outweigh the harm that I have identified in respect of the main issue. I note that the reason for refusal also refers to the free flow of traffic, but as I am dismissing the appeal, any concerns in this regard will not arise.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR