The Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2019

by Ben Plenty BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2019

Appeal Ref: APP/J1860/W/18/3215908
Holmfield, Sinton Green, Hallow WR2 6NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ms S Bull against the decision of Malvern Hills District Council.
- The application Ref 18/01075/OUT, dated 25 July 2018, was refused by notice dated 24 October 2018.
- The development proposed was originally described as an outline application with all matters reserved for the construction of a detached dormer bungalow.

Decision

1. The appeal is allowed. Planning permission is granted for the construction of a detached dwellinghouse at Holmfield, Sinton Green, Hallow WR2 6NP in accordance with the terms of application ref 18/01075/OUT dated 25 July 2018, and subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application was submitted in outline form with all matters reserved. I have considered the appeal on the same basis.

3. Although different from that given on the application form, I have taken the description of the proposed development from the Council's decision notice as that amended description has been agreed between the parties. I have removed the words "outline" and "all matters reserved" as these are not a description of development. I do not consider that any party is prejudiced by this adjustment.

Main Issue

4. The main issue is the effect of the proposed dwelling on highway safety, with particular regard to visibility splays and manoeuvres in the highway.

Reasons

5. The appeal site is located to the rear of the existing two-storey dwelling of *Holmfield*. The front garden of this dwelling is set back from the highway by a small strip of land owned by the parish council. A driveway connects the property to the highway that runs adjacent to the front garden and provides very limited on-site turning capability. The neighbouring property, *The New House*, has an 'open plan' front garden. Grimley Peace Hall, beyond the neighbour, has hedging around its front boundary. To the immediate sides of the existing access there are open frontages, which provide good visibility for

motorists leaving *Holmfield*. The highway is relatively straight, on a level gradient, with partially restricted long views when looking southeast due to the hedge on the verge adjacent to Grimley Peace Hall. The highway has the character of a country lane, with no footways and a 30mph speed limit.

6. The specific location and specification of the access is a reserved matter. However, the appellant states that the proposed access would use the existing driveway and that the existing property already requires motorists to reverse onto the highway. This has not been refuted by the Council. Frontage access design considerations should include the speed and volume of traffic on the street, the possibility of vehicles turning on-site and having adequate visibility. The road's speed limit is 30mph and it would be of relatively light volume. As a consequence, the character of the local roads would be unlikely to result in high traffic speeds. I also note that other nearby dwellings do not have on-site turning and so slow, alert driving would be required through the village.

7. The proposed site plan indicates space for turning on-site for the proposed dwelling and that further space in front of Holmfield could be provided. This would enable adequate manoeuvring space for both dwellings and therefore provides the capability of leaving the site in a forward gear. Some turning space is shown outside of the appeal site. However, even if they were not provided, they are not essential for the proposed dwelling and would not worsen the arrangement for the existing dwelling. Although there would be an increase in vehicles using the access, this would be very minor.

8. I recognise the Council's concern that the visibility splays cross third-party land. The visibility splay is currently unobstructed and, in my opinion, would be unlikely to be obstructed, such as through new planting, in the future. As such I consider the visibility for cars leaving the site would be acceptable.

9. In summary, the development would not worsen turning arrangements on site, would most likely be provided with acceptable visibility and therefore the minor increase in vehicles using the access onto a lightly trafficked road would not have a materially harmful effect on highway safety. Consequently, the proposed dwelling would accord with Policy SWDP 4 and Policy SWDP 21 of the South Worcestershire Development Plan, which requires the layout to address road safety and for vehicle traffic to access the highway safely, respectively. Also, the proposal would satisfy paragraphs 108 and 109 of the Framework, which seeks development to provide safe and suitable access with a resultant acceptable impact on highway safety**.**

Conditions

10. I have considered the Councils suggested conditions in line with guidance set out in the Government's Planning Practice Guidance (PPG). I have attached these with some minor modifications to align with the guidance. In accordance with the PPG I have imposed conditions relating to the submission of reserved matters. I have added the request for boundary treatment into the landscaping condition suggested by the Council. The conditions applied are necessary to safeguard the proper drainage of the site [4], to safeguard the character and appearance of the area [5], to meet carbon renewal requirements of the development plan [6] and to protect living conditions of existing residents [8]. I recognise that appellant has questioned the need for condition 7. However, I am satisfied that this is necessary to assist the Council in meeting infrastructure requirements of the development plan. A condition requiring

details of materials is considered unnecessary as this would be required through reserved matters when considering appearance.

Other Matters

11. Pound Farm is a grade II listed building opposite the appeal site. Its significance comes from its age and arrangement of buildings in a rural setting. I am satisfied that the proposal would preserve the setting of the listed building due to the separation distance and back-land context of the proposal.

Conclusion

12. For the above reasons, and having taken all matters into account, the appeal is allowed.

Ben Plenty

INSPECTOR

Schedule of Conditions

1) Details of access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Development hereby permitted shall begin no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3) The development hereby permitted shall be carried out in accordance with the submitted location plan and indicative site plan 03 (but only in respect of those matters not reserved for later approval).

4) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

5) The following details shall be submitted for approval as part of the landscaping reserved matters:- A landscape scheme which shall include:

a) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas, b) a schedule of proposed planting – indicating species, size at time of planting and numbers/densities of plants and c) boundary treatment; The landscaping shall be provided prior to the occupation of the approved dwelling and maintained in accordance with the approved details.

6) Prior to the commencement of development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:- the overall predicted energy requirements of the approved development; - the predicted energy generation from the proposed renewable/low carbon energy measures; and - an implementation timetable for the proposed measures. The development shall be carried out in accordance with the approved details and retained thereafter.

7) Prior to the first occupation of the dwelling hereby approved, details of superfast broadband facilities or alternative solutions to serve the dwelling shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details prior to the occupation of the dwelling.

8) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Public and Bank Holidays during the construction period.

END OF SCHEDULE