



Appeal Decision

Site visit made on 7 June 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19th July 2019

Appeal Ref: APP/W1850/W/19/3222582

Red Lynch, Old Road, Bromyard HR7 4AU

- 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 John Bishop against the decision of Herefordshire Council.
 - The application, ref. 181415, dated 15 April 2018, was refused by notice dated 23 November 2018.
 - The development proposed is the demolition of the existing dwelling and erection of 4no bungalows.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area, with particular regard to the development pattern and layout of the surrounding area; and
 - highway safety and the free flow of traffic.

Preliminary Matter

3. During the appeal process, a Transport Statement¹ was submitted by the appellant to provide further evidence in support of the highway matter. The Council have had the opportunity to comment upon this statement and in accordance with the Wheatcroft principles², I see no prejudice towards either party in accepting this and will base my decision upon it.

Reasons

Character and appearance

4. The appeal site is a large plot of land with a single dwelling located along Firs Lane. Firs Lane appears to have once been a historic through route, however part of the lane has been pedestrianised so that there is only a pedestrian access through to the remaining component of Firs Lane which then connects to Firs Orchard. Whilst the size of the appeal site is quite large along with the

¹ Transport Statement, Project No. P853, by HVJ Transport Ltd, Dated January 2019

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- neighbouring property at Birch Lea, the surrounding dwellings consist of predominantly single storey and two storey detached properties, however there are also examples of a small number of terraced properties. The surrounding properties are relatively modern development that consists of plot sizes that are small in comparison to the appeal site in its current form. Despite this, properties are consistently spaced and have main facades fronting the street. Dwellings also have small front and rear gardens and setbacks from side boundaries allowing visual gaps between properties.
5. Whilst the proposed scheme would be of a similar density to those surrounding, the proposed appeal scheme would not front Firs Lane, but would be seen as a private development of four dwellings that would be accessed off a private drive, which would be positioned away from the street scene and be unlike anything surrounding. The proposed dwellings would also not contain front gardens which would be in keeping with the prevailing character and appearance of the surrounding development.
 6. I note comments with regards to similar cul-de-sac developments nearby, however these are deliberately planned cul-de-sacs which have dwellings positioned around them that provide an active frontage to the street scene. The appeal site is not analogous to these surrounding cul-de-sacs and forms more of a traditional layout which was then severed from vehicular access. The proposed development in my view would be disconnected from the street scene of Firs Lane, and would not be in keeping with the prevailing character of the development surrounding.
 7. Taking the above into account, in conclusion of this matter, the proposed scheme would cause significant harm to the character and appearance of the area via a layout which is discordant when seen against the existing pattern of development. The proposal would therefore be contrary to Policy SD1 of the *Herefordshire Local Plan Core Strategy 2011-2031* (CS) (which amongst a number of principles, seeks development to maintain local distinctiveness and taking into account local context and site characteristics); and Policy LD1 of the CS (which amongst a number of principles seeks development that the character of the landscape and townscape has positively influenced the design, scale and nature and site selection); and the relevant design orientated policies of the National Planning Policy Framework (the Framework).

Highway Safety

8. I appreciate that the conditions of Firs Lane I experienced on my site visit was only a snapshot of the functioning of the road at this particular time, however I have also considered the evidence submitted by both main parties and neighbouring residents which includes photographs of vehicles parking along Firs Lane, which is unrestricted. Firs Lane has its junction from Old Road and due to the curvature of the road, has limited visibility to oncoming traffic in either direction with a hedge and wall to one side (which is currently in the process of being altered) with no footway and to the other side a footway to a brick wall. Whilst I appreciate that this is a relatively quiet road with low levels of use, the parking of vehicles to the junction and along Firs Lane is currently problematic and does present issues of visibility and manoeuvring on the road, particularly for larger vehicles.

9. Whilst I have no evidence that there is a poor accident record for Firs Lane itself, the appellant's Transport Statement refers to one incident in the past 5 years nearby along Old Road, 16 metres from the junction with Firs Lane. Despite this, the increase of vehicular traffic via an additional 3 dwellings does increase the likelihood of associated accidents and injuries as a result of this lack of visibility. Emergency vehicles, delivery vehicles and refuse vehicles, some of which may not be used to manoeuvring within this road, would find it difficult to navigate the road particularly with parked cars along the junction and Firs Lane as demonstrated by the photographs submitted by the Highways Authority which significantly changes the width, safety and functioning of the road.
10. The Appellant's Transport Statement details that Firs Lane meets the minimal width to meet the standard, however I do not feel the Transport Statement adequately addresses the scenario of having additional dwellings utilising the junction whilst vehicles are parked at the junction and close to the bend where visibility is very limited. Whilst the Transport Statement suggests that 'any strong demand for on road parking exists³' seems unlikely, the Statement does not include a parking survey of the road which would support this opinion. Photographs included with the Highway Officer's response demonstrates that parking of vehicles along Firs Lane and at the junction does actually occur and that the concerns by the Council with regards to parking are justified.
11. Whilst I note comments from the Highways Officer that parking restrictions could improve the current situation, I can only base my decision on the evidence before me. That said, the effect of an additional three dwellings together with the existing scenario of the curvature of Firs Lane and parking that does occur, the proposed scheme would result in harm to users of the highway and would lead to unacceptable impacts to highway safety and the free flow of traffic.
12. As such, the scheme would be contrary to Policy SS4 of the CS (which seeks that development be designed to minimise impacts to the transport network); Policy MT1 of the CS which amongst a number of criterion seeks that development be designed without adversely affecting the safe and efficient flow of traffic) and paragraphs 108 and 109 of the Framework (which seeks that safe and suitable access to the site can be achieved for all users, and seeks that development is resisted where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe).

Planning Balance and Conclusion

13. Both parties are in agreement that the Council cannot demonstrate a 5-year housing land supply, and so paragraph 11 of the Framework is engaged. In this circumstance (unless material considerations indicate otherwise) the Framework seeks that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.
14. In terms of benefits, the Framework encourages the development of small sites and making effective use of urban land, with the appeal site having good

³ Transport Statement, Paragraph 4.4

accessibility to Bromyard and public transport. The proposal provides an additional 3 dwellings above the existing scenario, and the economic benefits which come from the construction of the dwellings and local expenditure from the proposed occupants. That said, the development of 3 dwellings along with the associated benefits in my view would make only a modest contribution towards the housing shortfall locally and so the benefits of the proposal carry limited weight.

15. The Framework places emphasis on good design and requires that developments respond positively and are sympathetic to local character. It also seeks to safeguard against unacceptable impacts on highway safety. The proposed development would have a harmful effect upon the character and appearance of the area, and would be unacceptable with regard to highway safety. I attach significant weight to these matters.
16. It follows that the adverse impacts would significantly and demonstrably outweigh the benefits and so the proposal would not represent sustainable development. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal is dismissed.

J Somers

INSPECTOR