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## Appeal Decision

Site visit made on 30 July 2019

**by Matthew Woodward BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 August 2019**

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**Appeal Ref: APP/A3010/W/19/3229677**

**Snowcroft, Water Lane, Carlton in Lindrick, Worksop, S81 9EU**

- 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 Ann Lander against the decision of Bassetlaw District Council.
  - The application Ref 18/01357/FUL, dated 27 November 2018, was refused by notice dated 30 April 2019.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal site lies in an area covered by the made Carlton in Lindrick Neighbourhood Plan which forms part of the development plan. Whilst the Council did not refer to the Neighbourhood Plan in their decision notice, I have been provided with a copy of it, and had regard to its contents in reaching my decision.
3. The appellant's name in the banner heading above is taken from the appeal form as a full name is not given on the application form.

### Main Issue

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

### Reasons

5. The proposal would comprise the erection of a two-storey detached dwelling. It would lie within the defined settlement of Carlton in Lindrick, thus residential development in this location would be acceptable in principle. The appeal site, comprising an area of grass and vegetation associated with the adjacent lying property, Snowcroft, lies on the northern side of Water Lane, alongside several other properties. Generally open fields lie on the southern side of the road.
6. It is put to me by the appellant that, when taken from the site access, the proposal would ensure that visibility splays of 2.4 m x 12 m to the east and 2.4 m x 16 m to the west along Water Lane would be achieved. According to Manual for Streets (MfS), the visibility splays suggested by the appellant would

represent an appropriate stopping distance for vehicles travelling along Water Lane at approximately 10 mph<sup>1</sup>.

7. Even though no traffic count or speed survey information has been provided to clarify the typical traffic characteristics, on my site visit I observed that Water Lane was lightly trafficked and vehicles passed the appeal site at relatively low speeds. As it is a no-through road, most of the drivers of vehicles travelling along it are likely to be familiar with it. The Council accepts that visibility is already restricted for drivers of vehicles exiting out onto Water Lane from the majority of existing properties on the street. In addition, I have not been provided with any evidence to show that there have been any accidents on this road, nor that the road is dangerous.
8. Manual for Streets 2 (MfS 2) states that, unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a problem. Given my foregoing observations, I see no reason why, in the particular circumstances of the case, steadfast adherence to the recommended horizontal visibility requirements set out in MfS<sup>1</sup> would be necessary.
9. However, I have not been provided with a copy of a plan demonstrating that the visibility splays stated by the appellant are achievable. The appeal site was overgrown on my site visit which, combined with a lack of plan or other information accurately quantifying the extent of obtainable visibility from the site access, limited the extent to which I was able to accurately assess the visibility along Water Lane which would be available to drivers when exiting the appeal site, particularly given the positioning of the existing built form at Snowcroft to the west, a boundary wall to the east, and the intervening vegetation, which may permanently impede the extent of horizontal visibility thus compromising the ability to achieve the levels purported by the appellant.
10. Although Water Lane is narrow, limiting the speeds at which vehicles pass the appeal site, it would also limit the scope for users of the highway to manoeuvre out of the way of a vehicle entering or leaving the proposed driveway. Whilst the increase in traffic arising as a result of the proposal would be modest, an appropriate level of visibility would be required in order to ensure that there would be no unacceptable increase in the likelihood of collisions between vehicles and/or pedestrians, thus unacceptably compromising highway safety.
11. I have considered whether the use of a planning condition could achieve the visibility splays necessary to ensure a safe point of access and egress. I accept that, as the land to the west associated with Snowcroft is under the control of the appellant, visibility splays are, in principle, capable of being secured across this land by use of a planning condition. However, due to my aforementioned concerns relating to the proposed site access, the imposition of such a condition would fail to meet the tests of reasonableness and enforceability<sup>2</sup>.
12. I note the Council's concerns regarding the intensification of Water Lane and the restricted visibility for vehicles associated with the proposed development when exiting out onto the classified road, Greenway. However, I find that such a modest increase in vehicular movements arising from the proposal would not lead to capacity issues along Water Lane, nor would it be detrimental to

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<sup>1</sup> Manual for Streets – table 7.1

<sup>2</sup> The Planning Practice Guidance - Reference ID: 21a-003-20190723

highway safety at the junction of these roads, particularly as there is no evidence to suggest that the junction is unsafe based on current circumstances.

13. The proposal would result in the reduction in the height of the wall which fronts the appeal site, thus improving visibility for vehicles entering and exiting Snowcroft. However, these improvements do not detract from my findings concerning the highway safety impact associated with the appeal scheme.
14. For the foregoing reasons I conclude that the development would be contrary to Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document 2011. The proposal would also fail to satisfy paragraph 108 of the Framework which requires that development provides safe and suitable access for all users. It would conflict with paragraph 109 of the Framework which states that development resulting in an unacceptable impact on highway safety should be refused.

### **Other Matters**

15. The appeal site lies within the Carlton in Lindrick Conservation Area (CA). I find that the rustic style of the proposed dwelling, and its height and position relative to the varied and individual style of other dwellings in the street, would not be incongruous. There is nothing before me to suggest that the development would harm the significance of the CA, thus I agree with the Council that the development would accord with the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
16. The dwelling would be positioned in front, and to the side of, the neighbouring property which lies to the east, and set away from the rear of several other properties. The proposed dwelling would contain no windows at first-floor level in the side elevations facing the neighbouring dwellings and gardens. Based on my site visit and the evidence before me, I see no reason why it would result in a material deterioration of living conditions for nearby occupants by reason of loss of daylight, sunlight, or outlook. The Council raises no concerns in this respect.
17. The proposal would include sufficient space for the parking of vehicles, thus reducing the likelihood of parking taking place on Water Lane.

### **Conclusion**

18. For the reasons given above, the appeal is dismissed.

*Matthew Woodward*

INSPECTOR