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## Appeal Decision

Site visit made on 2 September 2019

**by A Parkin BA (Hons) DipTP MRTPI**

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

**Decision date: 7<sup>th</sup> October 2019**

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**Appeal Ref: APP/X0360/W/19/3230479**

**Land adjacent Eventide, Church Lane, Three Mile Cross, RG7 1HD**

- 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 J Wenman against the decision of Wokingham Borough Council.
  - The application Ref 183198, dated 21 November 2018, was refused by notice dated 29 March 2019.
  - The development proposed is the removal of the existing development and the construction of a chalet bungalow.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Wokingham Borough Council against Mr J Wenman. This application is the subject of a separate Decision.

### Main Issue

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

### Reasons

4. The appeal site was formerly part of the curtilage of an existing dwelling, Eventide, on the southern side of Church Lane, but was legally separated from it in 2003. It contains a gravelled drive area to the front leading to a pitched roofed double garage, with bushes, trees and other vegetation to the side and rear.
5. The appeal development would entail the demolition of the double garage and the erection of a chalet bungalow with two off-street vehicle parking spaces. Eventide has a single car parking space within its reduced curtilage following the separation.
6. The existing access to Church Lane is within the appeal site and would not be changed by the proposal. Both Eventide and the proposed dwelling have / would have reciprocal access / turning rights across the other's land, contained within the legal sub-division transfer.
7. The appellant states that the existing garage has been in continuous commercial use<sup>1</sup> for a period of 15 years, up to the preparation of the appeal

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<sup>1</sup> Use classes B1(c) and B2 in the Town and Country Planning (Use Classes) Order 1987 (as amended)

statement. The appellant has calculated that a residential use would generate fewer trips than a commercial use on the site. However, the Council has provided three application form extracts for the appeal site between 2014 and 2018<sup>2</sup>, which do not indicate that a commercial use was operating at the appeal site at these times, contrary to the appellant's statement above.

8. Furthermore, no substantive evidence regarding the business(es) said to be operating there now or in the past has been provided and from the submitted evidence, including a photograph of vans parked at the appeal site, I am not satisfied that the garage is or was used for commercial purposes. In the absence of any substantive evidence to the contrary, it is likely that the appeal site's use has not changed since it was separated from Eventide in 2003.
9. The appellant states that a single dwelling would generate five vehicle movements per day on average, whilst the Council estimates that it would generate between six and eight movements per day. Regardless of the actual figure, the provision of a dwelling on the appeal site would double the number of dwellings using the existing shared access to Church Lane and consequently the average number of vehicle movements per day; this would be a significant intensification.
10. The appellant has provided a drawing<sup>3</sup> showing a 2m (x figure) by 35m (y figure) visibility splay for the appeal development to the east. The main parties are in dispute as to the appropriate x and y figures in this case, in light of a speed survey undertaken by the appellant and the guidance contained in the Manual for Streets (MfS) documents.
11. Regardless of these disputes, using the appellant's stopping sight distance (SSD) of 44.1m, the proposed 35m visibility splay to the east would be significantly less. I note the summary of research provided by the appellant and said to be contained in the MfS<sup>4</sup>, regarding no demonstrable link between a reduced y distance and an increased risk of collision. This research is not before me and I attribute very limited weight to it in my determination of this appeal.
12. Notwithstanding this research, the appellant also claims that the proposed 35m visibility splay would almost double the current SSD, which would be beneficial to road safety<sup>5</sup>. Whilst I note the stated correlation between an increased y distance and improved road safety, no substantive evidence has been provided to support the almost doubling of the existing SSD and it is not mentioned in the appellant's statement. I therefore give it very limited weight.
13. The appellant also states that vehicles leaving the appeal site would be moving, and that therefore reduced visibility distances of less than the SSD recommended by MfS would be safe and suitable. The appellant has not provided any indication of what they consider a safe distance would be in these circumstances or evidence to support such a position. A vehicle turning out of the appeal site would be almost stationary initially, relative to traffic on Church Lane, and I therefore give this very limited weight in my determination of the appeal.

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<sup>2</sup> Paragraph 4.22 and Appendix 5 of the Council's statement

<sup>3</sup> 1812030-01 D

<sup>4</sup> Paragraphs 3.16 – 3.18 of the appellant's statement

<sup>5</sup> Paragraph 2.2 of the *Response to Wokingham Borough Council Regarding Transport Matters* document

14. I note the evidence provided by the appellant, including road collision data in the vicinity of the appeal site. However, this data does not take account of the appeal development and the intensification of use it would bring, including the doubling of estimated vehicle movements using the existing access each day.
15. Whilst the appeal development would not significantly increase the volume of traffic using Church Lane, it would cause a significant increase in vehicles using the access. Given the visibility splay to the east is considerably less than the SSD recommended by MfS in light of the appellant's speed survey, this would, in my view, significantly increase the risk of collisions and would be harmful to highway safety.
16. The submitted drawings show a turning area within the appeal site, but which is partly contained within the curtilage of Eventide. There is no dispute between the parties that this turning area is acceptable in terms of highway safety. The parties are in dispute over whether a s.106 agreement would be needed to maintain this, notwithstanding the aforementioned reciprocal turning / access rights contained in the legal sub-division transfer. However, given the harm to highway safety I have found this matter does not affect my determination of this appeal.
17. For the reasons given above the appeal development would be harmful to highway safety and would conflict with Policies CP1 (sustainable development), CP3 (general principles for development) and CP6 (managing travel demand) of the Wokingham Borough Core Strategy 2010, and with paragraph 109 of the National Planning Policy Framework 2019.

### **Other Matters**

18. Reference is made to a potential future change in speed limit on Church Lane. Any such future change does not affect the appeal before me now, and I have not had regard to it in determining this appeal.
19. The appellant states that the visibility splay to the west would be improved by the proposed development, although this is disputed by the Council. The visibility splay to the west is considered to be acceptable in highway terms. Any improvement to it would not overcome the overall harm to highway safety I have identified above.
20. The appeal site is located within 7km of part of the Thames Basin Heaths Special Protection Area (TBHSPA). The Council does not consider that the proposed development would have a foreseeable impact on the TBHSPA.
21. Nevertheless, if I was minded to allow the appeal, as the decision maker and competent authority in this case, I would need to seek further information and potentially undertake an appropriate assessment of the appeal development in relation to the TBHSPA. However, as I am dismissing the appeal for other reasons, I do not need to consider these matters further.

### **Conclusion**

22. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

*Andrew Parkin*

INSPECTOR