
Appeal Decision

Site visit made on 17 September 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/J3015/W/19/3232307

23 Bridle Road, Bramcote, Nottingham NG9 3DH

- 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 Mr Colin Taylor of Taylor Built Homes Ltd against the decision of Broxtowe Borough Council.
 - The application Ref 18/00470/OUT, dated 4 July 2018, was refused by notice dated 1 February 2019.
 - The development proposed is demolition of existing dwelling and erection of three new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of three new dwellings at 23 Bridle Road, Bramcote, Nottingham NG9 3DH in accordance with the terms of the application, Ref 18/00470/OUT, dated 4 July 2018, subject to the conditions in the attached schedule.

Preliminary Issue

2. The application was made in outline with all matters except access reserved for future consideration. I have determined the appeal on this basis and have treated all plans, apart from those showing access arrangements, to be indicative only.

Main Issue

3. The main issue is the effect of the development on highway safety, with particular regard to access.

Reasons

4. The site lies close to the end of a fairly long access lane, which itself is accessed from Bridle Road. It is a substantial plot that accommodates a single dormer bungalow. The access lane currently serves four dwellings, including that on the site.
5. There is no dispute between the parties that the access onto Bridle Road is substandard in relation to the Highway Authority's Highway Design Guide (HDG) and the Government's Manual for Streets (MfS) in terms of its width and visibility. The appellant has sought to improve the situation by installing fencing along each side of the lane, removing any verge and ostensibly increasing its width to around 4.5 metres at the point of access. Nevertheless,

this is below the Council's preferred width of 5.25 metres for at least the first 10 metres of the lane and is unlikely to allow two cars to pass in comfort.

6. While the appellant has indicated there is a degree of visibility through the front gardens of Nos 17 and 25, these are not in the control of the appellant and it would be inappropriate to rely on them in the long term. For drivers to be able to see in either direction satisfactorily, it is likely therefore that they would need to edge out into the carriageway to a degree. However, this is the case with or without the development.
7. Bridle Road itself is a narrow, single track road with no pavements. There is direct access onto the A52 at one end, though the evidence suggests this is not a heavily trafficked road. There are already several residential accesses directly onto Bridle Road, many of which appear to have similar visibility constraints that exist in relation to the appeal site. The appellant has provided evidence which suggests there have been no serious accidents on this road in the recent past.
8. Any deficiencies of the current access arrangements would continue to exist with or without the development in place. Therefore, I must consider whether it likely that the increase in the use of the access and the lane would result in unacceptable risks to safety.
9. I have some doubts about this. The appellant has suggested that the development would result in around 16 additional trips per day, with an extra two trips during peak hours. I have no reason to conclude that this is an unreasonable assertion. In coming to this conclusion, I have had regard to the comments of local residents about the relative size of the dwellings to what is already in place and to such things as the increased prevalence of delivery vehicles. Nevertheless, no substantive evidence has been provided which leads me to conclude these figures are not a reasonable estimate. Spread over the course of a day, this would not be a significant increase in trips or manoeuvres. Even if it is an underestimate, it is unlikely to be of such a scale that it would alter my conclusions.
10. While visibility is constrained, there is no strong evidence of any accidents, either in this location or at others along Bridle Road, where there may be similar constraints. Both the Council and residents have alluded to the fact that 'near misses' or minor accidents are not recorded in the data. However, in light of the largely anecdotal evidence provided, it would be difficult to conclude with certainty that Bridle Road, or the existing access, is inherently unsafe.
11. The appellant has also drawn my attention to 'Manual for Streets 2' (2010), which states that visibility below recommended levels will not necessarily lead to a significant problem, unless there is local evidence to the contrary. The nature of Bridle Road is such that vehicles are unlikely to be travelling at high speed and drivers will be aware of the potential for vehicles to be accessing or egressing from existing residential drives, including from the appeal site. It would be reasonable to assume that the lack of recorded accidents is because regular users of the road are cognisant of prevailing conditions and constraints and drive accordingly.
12. Furthermore, cyclists and pedestrians are likely to be fully aware of the potential for vehicles entering or exiting driveways and will take appropriate

measures. As noted above, there are also a large number of residential accesses and driveways along Bridle Road, many of which are likely to share some of the problems with the access in question. In my view, the overall impact of the development on safety along Bridle Road or this particular access is therefore unlikely to be significant.

13. Issues relating to refuse collection have been drawn to my attention. The development would not lead to any additional trips to the area by refuse collection vehicles. While there would be a need for additional storage of refuse containers on the day of collection, this would be unlikely to result in long standing safety issues. Overall, I am not therefore convinced that the development would result in any undue or unacceptable risk to drivers, cyclists or pedestrians either using the access or passing-by.
14. The chances of vehicles meeting at the entrance or along the lane would be increased to some extent as a result of the development. However, this would still likely to be a relatively rare occurrence. While this might result in some degree of inconvenience and need for drivers to be mindful of the potential for vehicles coming in the other direction, this is no different to the current situation. The nature of Bridle Road is such that vehicles are unlikely to be travelling at high speed and will be aware of the potential for vehicles to be accessing or egressing from existing residential drives, including from the appeal site. Those exiting dwellings along the road will also be aware of the visibility and space constraints and will presumably drive accordingly. I saw both pedestrians and cyclists using Bridle Road. Again, it would be reasonable to assume that they are aware of the constraints and potential risks that exist and that regular users of the road would be aware of their potential presence.
15. As noted above, I am not convinced the likely increase in activity on the lane would be such that it would exacerbate existing issues to an unacceptable degree, either in terms of safety or the living conditions of existing residents. The lane itself is clear and straight and visibility along it is good and drivers would be able to see other vehicles coming along the lane when seeking to leave their own drives.
16. Any issues relating to construction traffic would be temporary in nature. A Construction Management Plan, which would include details of working hours and the parking of vehicles, could be required by condition. This would help to mitigate any short term impacts.
17. While there would no doubt be a limit to what might be considered acceptable here, taking the existing context into account, I am not persuaded by what is before me that the risks are so great as to warrant withholding planning permission. Accordingly, I see no conflict with Policy 10 of the Broxtowe Aligned Core Strategy (2014) or policies H7 and T11 of the Broxtowe Local Plan (2004) which seek to ensure, amongst other things, that satisfactory arrangements can be made for access and parking and that development is safe.
18. There is conflict with the technical requirements of the HDG. However, in the circumstances of this appeal, I am satisfied that this would not result in any conflict with either the Development Plan or national planning policy. The Council's decision notice also refers to Policy 17 of the emerging Broxtowe Part 2 Local Plan. This is at a late stage in the preparation process and thus carries

substantial weight. However, I see no conflict with this policy, which includes a requirement for safe and convenient access.

Other Matters

19. All matters apart from access are reserved for future consideration. However, the plot is of sufficient size to accommodate three dwellings in principle without necessarily resulting in harm to the living conditions of nearby residents, the character and appearance of the area or having an unacceptable impact on trees or hedgerows. The Council will be able to consider the specific effects on these matters with any subsequent reserved matters applications.
20. The appellant's evidence includes a Preliminary Ecological Appraisal which concludes that the majority of the site is of low ecological value and there are no protected species on the site. The Council has not objected to the development on the basis of its impact on biodiversity and I have seen nothing that would lead me to a different conclusion. The report sets out a series of measures that could be implemented to mitigate any potential harm. These can be required by condition.

Conditions

21. I have considered the suggested conditions from the parties in accordance with national Planning Practice Guidance (PPG). In addition to standard conditions which limits the lifespan of the planning permission, and timescales for the submission of reserved matters, I have imposed a condition specifying the relevant drawing as this provides certainty. A condition requiring any access improvements to be made prior to occupation is necessary in the interests of highway safety.
22. A condition requiring the details of mitigation measures set out in the appellant's Phase 1 Preliminary Ecological Appraisal to be approved by the Council is necessary in the interests of biodiversity. I have not however imposed the Council's suggested condition on boundary treatments, as design, layout and scale are all matters reserved for future consideration and such matters would form part of these considerations.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) Details of the 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 not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 324.01 Site Layout/Access in respect of access only.
- 5) No above ground works shall commence until precise details of the measures set out in section 4.4 of the Phase 1 Preliminary Ecological Appraisal dated May 2018 have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, prior to the occupation of the dwellings.
- 6) No part of the development hereby permitted shall be occupied until the access from Bridle Road has been widened in accordance with approved drawing number 324.01.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.