

Appeal Decision

Site visit made on 28 May 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/H3510/W/18/3218945

Land rear of 162 London Road, Brandon IP27 0LP

- 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 P Jordan against the decision of Forest Heath District Council.
 - The application Ref DC/18/0084/OUT, dated 3 January 2018, was refused by notice dated 18 June 2018.
 - The development proposed is the erection of a pair of semi-detached 2 bed bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has merged with St Edmundsbury Borough Council to become West Suffolk Council since the planning application was determined. The development plans for the two local planning authorities remain in place for the area within the West Suffolk authority to which they relate, until such time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in those plans.
3. The proposal seeks outline planning permission, with all matters reserved. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.
4. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed. Nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, and its effect on highway safety.

Reasons

Character and appearance

6. The appeal site is rear garden land. The host dwelling lies within a row of dwellings along London Road which generally have linear rear gardens. The

site is bounded by a cul-de-sac track which provides access to dwellings which lie behind the gardens.

7. There is some variation in the design and scale of surrounding dwellings. However, built form within the gardens, such as garages and outbuildings, is limited and relatively unobtrusive, with a low height and small footprint. The site and its surroundings consequently provide a level of spaciousness which contributes positively within an area with an otherwise relatively built-up appearance.
8. Whilst the proposal is in outline only, with all matters reserved, it would significantly reduce the spacious quality of the area by the introduction of the substantial built form of 2 dwellings. Even at the most limited scale these would be significantly larger than the garages and outbuildings currently present in surrounding gardens. Development around the other side of the track is currently well separated from that along the road due to the presence of the gardens and track. However, the proposal would significantly reduce the separation between built form in the vicinity and consequently would reduce the spaciousness which the site contributes to its surroundings. The proposal would therefore give rise to an incongruous and cramped appearance which would conflict with the prevailing pattern of development.
9. There is no substantive evidence before me to indicate that the proposal shares particular similarities with other schemes in the vicinity. However, even if this were the case, they would not provide an example which should inevitably be followed even if harm were to result. As a result, I attach minimal weight to the relevance of other local developments in determining the appeal.
10. Thus, the scheme would cause moderate harm to the character and appearance of the area. It therefore conflicts with Policies DM2 and DM22 of the Joint Development Management Policies Document (2015) ("the JDMPD"), which state that development should recognise and address the character of an area, and that it should maintain or create a sense of place and/or character. Further conflict exists with Policy CS5 of the Core Strategy Development Plan Document (2010), which sets out that design which fails to enhance the appearance of an area will not be acceptable. Additional conflict exists with the design aims of the National Planning Policy Framework ("2019") ("the Framework").

Highway Safety

11. Access to the new properties would be via a track which passes between dwellings on London Road. The track forms vehicular access for several properties, and pedestrian and cycle access for a number of these.
12. The track is 3 metres wide along its full length. The Manual for Streets¹ ("the MFS") sets out that such a width of drive can accommodate only one private car, and that a width of at least 4.1 metres is necessary if 2 cars are to be able to pass each other concurrently.
13. The scheme proposes the widening of the rear part of the track to 4.5 metres. However, approximately the first 25 metres of the track on leaving London Road would remain at its current width. This is an arrangement which would give rise to the need for reversing manoeuvres by vehicles which meet along

¹ Department for Transport, 2007

- the 3 metre section. This occurrence would be relatively frequent given the number of motorists who would be likely to use the track if the appeal scheme were constructed.
14. The MFS sets out that a single pedestrian generally occupies an area with a width of 0.75 metres, however a wheelchair user occupies 0.9 metres, and an adult and child pedestrian together occupy 1.2 metres. Furthermore, a family saloon car has a width of approximately 2.0 metres. The section of 3 metre width track which would remain is bounded by fencing and has very narrow borders of long grass at both edges. These are likely to be too narrow and uneven to provide safe refuge for even a mobile single pedestrian in the event of a passing vehicle. Pedestrians, cyclists, wheelchair users, people with mobility scooters and those accompanied by small children and/or pushchairs would therefore have no points of refuge for a considerable distance of the track. In the event of a vehicle meeting one of these types of users, one party would need to reverse or to retrace their steps due to the lack of sufficient track width to pass concurrently and in safety. Thus, the appeal does not demonstrate that any concurrent passage for pedestrians or cyclists and vehicular traffic would be available along the first 25 metres of the track.
 15. Furthermore, an arriving vehicle would need to wait on the highway or reverse onto it if another vehicle were present on the narrower section. Reversing manoeuvres would also occur on the track. If the proposal went ahead the track would serve a significant number of dwellings, some of which are of a size which would be suitable for several occupants. It is therefore likely that use of the track would occur relatively frequently, with a corresponding moderate frequency of waiting or reversing manoeuvres.
 16. London Road is part of the main route through Brandon and carried a relatively high level of traffic at the time of my site visit. It also provides access between large residential areas and a range of services and facilities in the centre of the town, and thus it is likely to carry regular pedestrian and cyclist traffic. The additional waiting and reversing manoeuvres to which the proposal would give rise would cause harm to highway safety. This is because visibility is impeded in reversing manoeuvres and traffic waiting to turn within the carriageway would give rise to inconvenience which may encourage other road users, including cyclists, to perform manoeuvres which increase risk, such as overtaking. The level of risk is increased by the regular vehicular and other traffic which the road appears to carry.
 17. The track forms the sole access to the proposed dwellings and the appeal does not demonstrate that safe access along it is available for all users. This would discourage the use of other forms of transport than the private car by occupiers of the site and their visitors.
 18. I note that the views of the highway authority are similar to my own on this matter. However, any lack of objection to another scheme in the vicinity in this regard does not overcome the concerns which I have identified above regarding the effect of this proposal on highway safety. Furthermore, the scheme's provision of a passing place where there currently is none provides a limited benefit which does not outweigh the harm to highway safety which would be caused by the addition of further traffic along the narrower section of track.

19. I acknowledge that the site is within walking or cycling distance of a reasonable level of services and facilities within the town, and that this may reduce the number of vehicular trips associated with the development. However, the contention that the profile of occupier which the development would attract would make only limited vehicular use of the access is unsupported by any evidence and as a result I attach only minimal weight to this matter. In any event, the addition of 2 dwellings of a reasonable size at the site are likely to increase vehicular use of the access by a harmful degree, whether by occupiers or visitors to the development. I therefore do not concur with the contention that the number of vehicular trips associated with the development would be so limited as to produce no harmful effect.
20. The proposal causes material harm to highway safety and consequently conflicts with Policy DM2 of the JDMPD, which states that development should provide access for all, should encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, and should maintain or enhance the safety of the highway network. Further conflict exists with the sustainable transport aims of the Framework.

Other Matters

21. Aviation noise concerns were included as a reason for refusal, however the Council has confirmed that it no longer has a concern about this particular reason for refusal and so does not intend to defend it. The Ministry of Defence recommended the refusal of planning permission in response to the Council's consultation on the matter, due to the absence of a site-specific noise assessment. The appellant has now provided such an assessment with the appeal. It concludes that, if mitigation measures to the building were included, internal noise levels would comply with guideline noise values.
22. The noise report contains the necessary information and includes an assessment of the scheme according to international guidelines and British Standards. The proposed mitigation measures appear satisfactory, in the absence of substantive contradictory evidence. I am therefore satisfied that a suitably worded condition could secure acceptable noise levels at the development, and that the issue of noise consequently no longer falls for consideration as part of the appeal. I note that the views of the Council support my own on this matter. The acceptability of the proposal in this regard is, however, a neutral effect and does not outweigh the harm I have identified regarding its effects on the character and appearance of the area and highway safety.
23. The first reason for refusal in the Council's decision notice extracts part of a development plan policy relating to living conditions. Whilst the case officer's report refers to concerns regarding the privacy of users of the gardens to the new dwellings, no overt concerns regarding the proposal's effect on living conditions are then included within the reason for refusal and the appellant has provided no substantive comment on the matter. Had the appeal scheme been acceptable in all other regards, this is a matter on which I would have required further comment from the parties.
24. It is submitted that the proposal complies with standards in respect of garden and parking space, and that it does not cause harm to biodiversity. Nevertheless, even if this were the case, these would be neutral matters which do not outweigh the identified harm.

25. In refusing permission for highway safety reasons the Council relies in part on the Suffolk Design Guide. Notwithstanding this, the section of this document which is relied on is not before me. As a result, I can attach only minimal weight to its relevance in determining the appeal.
26. I have had regard to other matters raised, including the proposal's effect on the living conditions of nearby residents. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.
27. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR