



Appeal Decision

Site visit made on 15 October 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2019

Appeal Ref: APP/P0240/W/19/3234064

Greenacres, 16 Thorncote Road, Northill, Biggleswade SG18 9AQ

- 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 A R Bruce Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/04318/FULL, dated 19 November 2018, was refused by notice dated 8 February 2019.
 - The development proposed is the erection of a dwelling and garage and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Northill Neighbourhood Plan has successfully passed its referendum since the original application was determined by the Council. As such, the Planning Practice Guidance¹ states that at this point, a Neighbourhood Plan becomes part of the Development Plan. I have therefore considered it accordingly.
3. The Central Bedfordshire Local Plan was submitted for examination in April 2018. The National Planning Policy Framework (the Framework) sets out at paragraph 48 that Local Authorities can attribute weight to emerging plans depending on their stage of preparation. Whilst the examination is at an advanced stage, the plan is not yet adopted and policies may still be subject to some change. I have not been provided evidence on the status of any unresolved objections to the policies indicated, and as such, I attach limited weight to them at this time.

Main Issue

4. The main issue is the effect of the proposed development on highway safety with particular regard to visibility.

Reasons

5. The appeal site is an area of former paddock/ manège within the grounds of 'Greenacres'. The site is flat with a low fence boundary, and there is an existing single storey garage with a lean-to on the eastern boundary which is clad in black weatherboard with a red flat-tiled roof. To the south of the site outside the application area is a single storey stable building which extends across the

¹ Paragraph: 064 Reference ID: 41-064-20170728

width of the paddock. The site would be accessed from the existing driveway of Greenacres and a new separate access to serve Greenacres would be created immediately north of the existing.

6. Thorncote Road is a single carriageway with a central white line and a there is speed limit of 30 miles per hour in place at the point in front of the appeal site. At the time of my visit, which was outside of the morning peak hours, there was little traffic present. There is no footway or streetlighting in this part of the road, and the properties adjacent to Greenacres have front walls or low level fencing of around 1 metre high directly adjacent to the highway.
7. The Design in Central Bedfordshire Supplementary Planning Document (2014) (SPD) which accords with Manual for Streets (MfS) indicates a 43 metre visibility splay would normally be required for roads with a 30 miles per hour speed limit in place. However, the recorded speeds at the 85th centile are slightly below 30 miles per hour, and when considered against the MfS indicate a very slight reduction in this figure might be acceptable to approximately 40 metres. Whilst no curb line is present on the street, the plans show the location of an effective curb line against which visibility splays are assessed.
8. The appellant has indicated that the level of visibility required by the SPD can be achieved when measuring 1 metre out into the effective carriageway. The SPD states at section 10 paragraph 10.6.11 that the route a vehicle might take when accessing the design and layout of a street would follow a line 1.5 metres from the kerb. However, this guidance has limited applicability to vehicles turning at 90 degrees into an existing 30 miles per hour carriageway, as this approach is intended for the consideration of forward visibility rather than turning. Using a widely accepted distance of 2.4 metres from the effective kerb line for 40.5 metres to the south and 39.7 metres to the north that the appellant suggests is appropriate, the proposed new access to Greenacres would have visibility of 12 metres to the south and only 9 metres to the north. This would be significantly below the required standard. As a result, additional vehicles from the proposed development exiting the site would have to edge out into the carriageway resulting in potential danger to other road users approaching the site, harming highway safety.
9. I note the appellant's arguments regarding the location of the 'effective kerb line' and that there is some ambiguity as to the exact location of the edge of the carriageway due to limited markings on the ground. Even if there was some further flexibility applied here however, I would still find that the amount of visibility available from the access would be below the required minimum by more than a marginal degree.
10. Although traffic speeds at the 85th centile indicated a slightly reduced visibility could be acceptable, the appellant's traffic count information recorded a number of incidences of traffic exceeding the speed limit in this area. The enforcement of traffic speeds is not a matter that can be addressed through this appeal. Despite accident data indicating that Thorncote Road has not had any recorded accidents in the last 10 years, the lack of accidents does not provide certainty of future safety with the proposed access in place.
11. Visibility when looking from the site access to the north is limited due to the alignment of the road and other frontage landscaping further along. A hedge of over 1 metre high within the front garden of No 18 is directly adjacent to the proposed new access along with a circa 1 metre high fence. As such,

southbound traffic heading into the village is not able to be consistently seen along the length of the splay and only becomes apparent when traffic is close to the access point. This would result in limited visibility for vehicles exiting the site, and potentially having to place themselves across the carriageway to gain sufficient visibility to turn. This would result in potential harm to the safety of road users. In order to secure an unobstructed visibility splay, land in third party ownership would be required. It has been indicated that the owner of the adjoining property to the north would be agreeable for visibility splays to continue across their land. However, there is no effective method of ensuring this would be retained for the life of the development as part of this appeal. Indeed, no legal agreement has been secured with the landowner. As such, this is insufficient to mitigate the effects I have described.

12. The proposed development would result in the creation of two directly adjoining accesses in place of the existing one, and as such, there would be an intensification of the use of a currently sub-standard access point. Although the site was previously used as equestrian stables, the traffic that would have been associated with such would likely have been of a differing type and present at different times of the day than might be the case with a residential dwelling. I have no detailed information before me as to the scale of the equestrian operation or any details of its accompanying traffic volumes when this was in use, or any conditions or restrictions that might have been placed on such. There is no evidence before me to suggest that this previous use is likely to recommence, and as such, the proposed development would result in the intensification of the access.
13. Whilst the appeal proposal would result in some benefit to the existing access arrangements by placing the proposed entrance gates further back from the highway to allow for vehicles waiting to enter the site, the proposal would still result in an access point that would be significantly below the required standard for the type and speed of the road. As such, this benefit would be minimal.
14. In light of the above I conclude the proposal would be detrimental to the safe use of the highway. Such that it would conflict with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies Development Plan Document (2009) (the CSDMP). This requires, amongst other things, that proposals for development incorporate appropriate access. The proposal would also fail to comply with Section 10 of the Design in Central Bedfordshire SPD (2014) which indicates the required visibility splays for streets of this road speed and paragraph 109 of the Framework which reinforces preventing development that gives rise to harmful effects on highway safety

Other Matters

15. The site access is located within the Conservation Area (CA) albeit the proposed dwelling and garden would be outside. The proposed garage block would also be located within the CA. The main access road to the proposed dwelling utilises an existing gravelled track, and the proposed altered piers at the entry point would be similar in appearance to the existing. The existing garage is located within the CA, and the proposed garage would be slightly larger than the existing and be located slightly further to the south. However, it would not be significantly larger than the existing and the design is acceptable

and consequently would result in any harm to the CA. As such, in terms of their effect on the CA, I consider this would result in a neutral effect. Section 72(I) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to give special attention to the desirability of preserving or enhancing the character or appearance of CAs. The proposal would therefore preserve the character and appearance of the CA.

16. To the west of the site are a number of Grade II Listed Buildings which front Thorncote Road (Nos.10, 12, 14, 35 (Pax Cottage), 37 and No 39 Thorncote Road). The proposed dwelling would be located a considerable distance to the east of the Listed Buildings and there are a number of large mature trees and intervening boundaries that would provide either full or partial screening. Due to the available separation distance I consider that the proposal would not result in harm to the setting of the nearby Listed Buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting, to which I attached considerable importance and weight.
17. The appellant has indicated that they consider the proposal would accord with the Development Plan and set out a number of relevant policies. The proposal would accord with Policies CS14 and CS15 of the CSDMP by providing an acceptable design, as well as ensuring the proposal would preserve the historic environment. However, such acceptable matters and compliance with other policies would not override the harm or other development plan conflict that I have found.
18. Concerns have been raised regarding the effect of the development on the living conditions of adjoining occupiers of The Old Brewhouse. However, the separation distance between the proposed development and The Old Brewhouse would be sufficient to avoid overlooking. Further, the windows on the proposed western flank wall would serve either a ground floor bathroom or first floor landing. As such, any potential for overlooking could be mitigated by requiring obscured glazing to these windows. In terms of the impact of the proposed garage, due to the height of the rear boundary wall of The Old Brewhouse, only a limited part of the proposed garage would be visible. The existing garage along this boundary would be removed, and as such, I consider that there would be no additional harm to outlook beyond the existing situation.
19. It has been suggested that the site is an accessible location to the village where there are opportunities to access larger settlements with a greater range of services to meet everyday needs. The site is relatively close to the village centre where there is a bus stop with regular services to larger settlements. However, accessibility to services is a matter on which most housing schemes should in the main be found to be acceptable. My conclusions therefore remain.

Conclusion

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

P Mileham

INSPECTOR