



Appeal Decision

Site visit made on 7 October 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/U3935/W/19/3234598

**Land to the rear of 44 High Street, Haydon Wick, Swindon, Wiltshire
SN25 1HX**

- 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 Dean Jefferies against the decision of Swindon Borough Council.
 - The application Ref S/18/0830/HC, dated 3 May 2018, was refused by notice dated 7 March 2019.
 - The development proposed is described as proposed erection of 3 No. 4 bedroom dwellings and associated works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the use of the proposed access on highway safety.

Reasons for Recommendation

4. The appeal site is set behind a quiet suburban street in Haydon Wick, a northern suburb of Swindon. The residential street is characterised by a mix of mostly two storey detached, semi-and terraced dwellings, some dwellings fronting the road and some set back. There is a variety in design, with some bungalows and units of flats. The majority of properties have off street parking, however I observed some car parking within the highway.
5. The appeal site is accessed using a long narrow access road, which partly runs alongside the existing access of No 50 High Street, and the modern block of flats which sits behind this property.
6. The access point onto the High Street is mostly open to the east over the existing access to No 50 and its short front boundary wall and is partly obscured to the west by a short hedgerow, single tree and lamppost sited on the front east corner of the western neighbour, No 48.

7. The High Street has a speed limit of 30 miles per hour and the Council has calculated that given this, the visibility at the access should be 2.4 metres by 43 metres. It is clear from my observations that the required visibility cannot be achieved. Indeed, the appellant's submitted drawing indicates that a distance of 8 metres could be achieved in a westerly direction and 18 metres could be achieved in an easterly direction, when measured 2.4 metres back from the highway.
8. Although I noted that speeds within High Street were likely to be less than 30 miles per hour, which was due in part to the presence of parked cars, I have no substantive evidence before me to demonstrate what speeds actually are within this road. Accordingly, and taking into consideration the advice in Manual for Streets 2 in respect of a reduction in visibility, I am unable to determine whether or not the visibility splays proposed would be suitable to provide the new dwellings with a safe and suitable access.
9. In reaching this view I am mindful that the Council has granted planning permission for a single dwelling on the appeal site using the current access road. A development of 3 dwellings is however likely to generate considerably more vehicle movements than 1 dwelling, including the comings and goings of the intended future occupiers, visitors and delivery vehicles.
10. This increase in likely vehicle movements using an access with limited visibility would be likely to increase the risk of conflict with vehicles using the access and those using the High Street. This would be particularly so if the vehicle exiting the access was turning right, because vehicles using High Street would not be easily visible because of the presence of landscaping to the front of No 48 and vice versa. The presence of parked cars within the highway within the vicinity of the access would be likely to exacerbate this harm.
11. Furthermore, the access serving the appeal site is long and narrow. It is not wide enough to allow 2 vehicles to pass each other. The appellant proposes that part of the driveway to the side of No 50 could be used as a passing area in situations where more than one vehicle was accessing or exiting the new dwellings. Whilst this would be likely to prevent vehicles reversing out of the access in situations when vehicles were exiting and accessing the dwellings at the same time, the use of the passing area would be likely to inhibit the free use of the access to the parking area to the rear of No 50 and to the flats beyond. Providing a passing area for vehicles accessing the new dwellings to use at the expense of a substandard access being provided to the neighbouring properties is not a suitable solution. The imposition of a Grampian style condition as suggested by the appellant would not mitigate this harm.
12. Given the above, I conclude that a safe and suitable access to the proposed dwellings would not be provided. In reaching this view, I have taken into consideration that the appeal site has been used for informal car parking. However, be that as it may, the development of the site as proposed would be likely to result in a significantly more intense number of vehicle movements along the access on a regular and daily basis. No evidence has been provided to demonstrate that the past uses of the site generated a similar likely level of vehicle movements along the access, and accordingly this matter does not lead me to conclude differently.
13. The appellant points to a number of shared access points leading to houses located behind others within the wider area. From my site visit I saw none of

the length proposed. It is also stated that in time the occupants would become very familiar with the way in which the access is used and shared. Whilst this may be the case, it is unlikely that visitors to the site would be as familiar with the situation, or indeed other highway users. This matter would be unlikely to prevent occasions of conflict arising resulting in unsafe reversing, potentially onto the highway.

14. Accordingly, I conclude that the proposed access is not safe and suitable for all users to the proposed development, and its use by vehicles associated with the proposal would be to the detriment of highway safety, in conflict with Policy TR2 of the Swindon Borough Local Plan 2026 (adopted 2015) and the Swindon Residential Design Guide 2016) which requires development to provide an access which is not detrimental to highway safety. The proposal also conflicts with paragraphs 108 of the National Planning Policy Framework in this regard.
15. The Council has referred to the Supplementary Planning Document the Residential Design Guide (2016) in its refusal reason. However, I have not been referred to a particular part of this document and accordingly I have not taken it into consideration in this case.

Other Matters

16. The appellant's reference to other Local Plan Policies, local character and the proximity of the site to various facilities are noted but they relate to matters that are not in dispute between the parties. The Council has not objected to the proposal in respect of matters other than highway safety and I have no reason to disagree. These are neutral matters in the planning balance that do not weigh in favour of the appeal proposal.
17. It is asserted that the Council's policies are out-of-date because it is unable to demonstrate a 5 year supply of deliverable housing sites. Although the Council is silent on this matter, there is no dispute that the location of the appeal site is suitable for new housing. Furthermore, the proposal would make a contribution, albeit small to supporting the Government's objectives of significantly boosting the supply of homes, along with the likely social, economic and environmental benefits that would be likely to arise. I attach substantial weight to this matter.
18. However, the benefits of providing these new homes would be at the expense of the intended future occupiers' safety, as well as other users of the highway because of the unsafe and unsuitable access that would serve them. The harm that would result to highway safety and the conflict with the development plan significantly and demonstrably outweighs the benefits that would arise in this case.

Conclusion

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR