
Appeal Decision

Site visit made on 3 October 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/E0915/W/19/3232559

Parkland between Geltsdale Avenue and Durranhill Road, Durranhill Road, Carlisle CA1 2RL

- 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 Ian Murray against the decision of Carlisle City Council.
 - The application Ref 18/0388, dated 12 April 2018, was refused by notice dated 11 January 2019.
 - The development proposed is described as “new vehicle and pedestrian entrance”.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicle and pedestrian entrance at Parkland between Geltsdale Avenue and Durranhill Road, Durranhill Road, Carlisle CA1 2RL in accordance with the terms of the application, Ref 18/0388, dated 12 April 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Ian Murray against Carlisle City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on highway safety and the trees on the site.

Reasons

Highway Safety

4. The appeal site consists of an area of established woodland in a predominantly residential area. Durranhill Road, to the south east of the appeal site, includes some traffic calming features and also a junction with Alexandra Drive, a modern residential estate, in close proximity with the proposed location of the new access.
5. I noted at my site visit, carried out in the afternoon on a typical week day, that Durranhill was subject of a moderate level of traffic in contrast with the quiet residential character of the wider area.
6. The submitted plans show that the proposed access can provide the necessary visibility splays, width and setback for the gate from the road. This is not disputed by the Council.

7. The Appellant states that the proposed access is to allow for the maintenance of the site, I note references to consent to fell a number of trees on the site and the need to clear rubbish. As such, the access would be likely to used only infrequently.
8. The submitted plans show that the proposed access can provide the necessary visibility splays, width and setback for the gate from the road. This is not disputed by the Council.
9. I note the proximity of the proposed access to traffic calming measures on Durranhill Road and the junction with Alexandra Drive. However, I noted at the site visit that, in proximity to the proposed location of the new access Duranhill is relatively straight with good visibility.
10. Therefore, to conclude on this main issue I find that the proposed new access would not adversely affect highway safety and as such is not contrary to Policy SP1 (Sustainable Development) of The Carlisle District Local Plan 2015-2030 (the LP) in so far as it seeks to protect highway safety and the relevant provisions of the National Planning Policy Framework.

Trees

11. Trees on the site are protected by a Tree Preservation Order and the detailed TPO plan before me suggests that a number of protected trees are in close proximity to the proposed new access.
12. The Council Officer's report confirms that the access can be created without the loss of any trees and suggests conditions relating to tree protection measures and construction methods. The appellant states that recent tree work, for which I understand appropriate consent was granted by the Council, has created sufficient space to accommodate the turning of a vehicle on site thus enabling it to enter and exit the site in a forward gear.
13. However, concern has been raised that this could lead to the compaction of soil and the damaging of trees on site. I have been provided with no substantive details with regards the arrangements for the turning of vehicles on the site and how this relates to existing trees. Reference has been made to 'tree report for proposed house development' (September 2015). However, I have not been provided with a copy of this report which appears to relate to a different development and is now somewhat dated.
14. This is a finely balanced decision but based on the evidence before me and my observations on site I find that the proposed development would not harm the trees on the site subject to appropriate conditions relating to tree protection measures and construction methodology. Therefore, the proposed development is not contrary to Policy SP1 of the LP in so far as it relates to the protection of trees.

Other Matters

15. A number of objectors have referred to the planning history of the site and in particular proposals for the construction of a dwelling. However, this application relates to the creation of an access on to the site for maintenance only and any future applications for development on the site, utilising this or other access arrangements will be judged on its own merits.

16. The appeal site is close to Durranhill House and Durranhill Lodge, both Grade II listed buildings. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the buildings or their setting. That the proposed vehicular access would not adversely affect the significance of the buildings or their setting is not at dispute between the parties and based on the evidence before me I agree. I therefore find that the proposed development would not adversely affect the significance the DHA or their setting.

Conditions

17. I have considered the conditions proposed by the Council in the light of guidance in Planning Practice Guidance (PPG). In addition to the standard conditions which limits the lifespan of the planning permission and requires the submission of reserved matters I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
18. To protect the existing trees on the site I have included conditions relating to tree protection barriers and construction methods.

Conclusion

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

Mark Brooker

INSPECTOR

Conditions Schedule

- 1) 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.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan IM/DURRANHILL/SLP2 Rev A - dated 1 July 2019
Site Block Plan IM/NEW/ENT/SBP Rev A – dated 16 March 2018
New Vehicle Entrance IM2/DH/ENTRANCE1 Rev B – dated 5 March 2018
Visibility Splays IM/NEWENT VS1 Rev A – dated 16 March 2018
Vehicle Paths IM2/DURRANHILL/VP1 Rev A – dated 12 April 2018
- 3) No development shall commence until details of the specification and location of tree and root protection barriers have been submitted in writing to and approved by the local planning authority. The root protection barriers as agreed shall be erected prior to commencement of any works on site and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area. In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in

writing of the Local Planning Authority and where such approval is given, the roots shall be cut back to a smooth surface.

- 4) No development shall commence until a detailed Method Statement of the 'no dig' construction method for the access, driveway and hardstanding within the root protection area is submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
- 5) Prior to the commencement of development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority. Such details shall include measures to prevent surface water discharging onto the highway together with the route of any infrastructure connections the drainage strip to the surface water drainage scheme.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

- 6) Access hereby approved shall not be brought into use until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road in both directions have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
- 7) The vehicular crossing over the verge, including the lowering of kerbs, shall be carried out to the specification of the Local Highway Authority.
- 8) The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 6 metres inside the site, as measured from the carriageway edge. There shall be no vehicular access or egress from the site other than via the approved access.
- 9) Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

- 10) Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to and approved in writing by the local Planning Authority. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.
- 11) Solid edge carriageway markings through the build-out on both sides which is extended past the proposed access shall be installed prior to the access being brought into use. Details of the proposed markings shall be agreed in writing with Local Planning Authority prior to installation.
- 12) All new external stonework relating to the reconstructed boundary wall shall be carried out in natural stone which shall, in type, and in the manner in which it is laid, match that of the existing wall.