



Appeal Decision

Site visit made on 5 February 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/C3430/W/19/3240998

Land to the rear of Holly Rock, Astles Rock Walk, Kinver DY7 6QA

- 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 Mrs M Turner against the decision of South Staffordshire Council.
 - The application Ref 19/00541/OUT, dated 10 July 2019, was refused by notice dated 10 September 2019.
 - The development proposed is delivery of a single detached over 55's dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is in outline form with all matters reserved, other than layout. The position of the dwelling shown on the submitted plan has therefore been material to my assessment of the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area including the setting of the Kinver Conservation Area (CA); and
 - highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal site sits within the development boundary for Kinver and outside but close to the Kinver CA. The area is characterised by its steeply sloped topography and is predominantly in residential use with dwellings of varying styles positioned within often generous soft landscaped plots. These characteristics result in the area displaying verdant semi-rural qualities to which the site currently contributes.
5. The site is irregular in shape with a significant change in levels between its front and rear boundaries. The ground levels within the site form 2 distinct terraces. The proposed dwelling would sit at a higher level to the dwellings on Comber Road. It would occupy a large proportion of the lower part of the site and would take up much of its width. Even accounting for the gap that would be retained between the dwelling and the boundary with Holly Rock, the

proposed dwelling would be likely to appear cramped within the lower portion of the site. The necessity for the provision of parking space within the site is considered under the second main issue. However, hard surfacing for any such parking would further exacerbate the intensive appearance of the development within the site.

6. The constrained nature of the development would be most notable when approaching the site from the higher end of Astles Rock Walk towards the bend in the road. Matters of scale are a reserved matter and there may be opportunities to retain soft landscaping to the southern boundary with Holly Rock. Even so, the tight positioning of the proposal and its incongruity relative to the prevailing spacious and soft landscaped character of the area would still be discernible from public vantage points along Astles Rock Walk and Comber Road. The close proximity of the proposal to the CA means that the proposal would also be seen in that context and would fail to preserve or enhance the character or appearance of the CA.
7. To conclude, the proposal would have an adverse effect on the character and appearance of the area and the CA. Consequently, in that regard, the development would conflict with Policies EQ3 (Conservation, Preservation and Protection of Heritage Assets), EQ4 (Protecting and Enhancing the Character and Appearance of the Landscape) and EQ11 (Wider Design Considerations) of the South Staffordshire Core Strategy Development Plan Document (2012) (CS).

Highway safety

8. Means of access are reserved for subsequent approval. However, the only feasible way to access the site would be Astles Rock Walk, a narrow single-track road with a steep gradient. Astles Rock Walk is a shared surface road used by pedestrians and vehicles. It has a roughly 90 degree bend next to the boundary with the appeal site.
9. The appellant suggests that on the basis of the dwelling being for occupants over the age of 55 as well as the availability of shops and facilities in Kinver, no off-road parking would be required. However, it would not be reasonable to expect that all occupants over the age of 55 should not have access to a motor vehicle. Equally, the return distance to the nearest shops and services may not be a feasible walk for all potential occupants, particularly those who may be in more advanced years. The Highway Authority have also confirmed that the nearest bus stop is approximately 1 km away. For these reasons, I am not convinced that a condition restricting car ownership would be reasonable. It would also be difficult to enforce given the likely difficulties in monitoring such a condition. Furthermore, no legal agreement is before me to demonstrate that car ownership could be prohibited.
10. Taking the above matters into account, the potential relationship of vehicles associated with the new dwelling on highway safety matters must therefore be considered. The narrow dimensions of Astles Rock Walk combined with its gradient do not allow for vehicles to easily pass one another. Consequently, it is probable that there would be an increased likelihood of vehicles waiting on the public highway on Comber Road in instances where access would be impeded by another vehicle exiting Astles Rock Walk. Additional usage above current levels would also increase the potential for conflict between vehicles and pedestrians on Astles Rock Walk. Furthermore, any increase in traffic to

and from the site would result in additional risk to road safety at the junction with Comber Road where visibility is restricted by the narrow width of Astles Rock Walk and the mature vegetation that exists to either side of the junction. Even if future occupants did not own a car, a new dwelling would increase the potential for visitors to seek vehicular access to the site via Astles Rock Walk. This further compounds the potential for the development to result in highway and pedestrian safety issues.

11. I note the evidence provided to show that the appellant has a legal right of access to the site via Astles Rock Walk. The appellant's submission also suggests that Astles Rock Walk may be adopted rather than a private road. Whether or not this is the case, the site is currently not developed and current vehicular traffic to the site is therefore likely to be limited. For this reason, the existing situation is not comparable with the level of traffic that would be likely to be generated were the site to be occupied by a dwelling. I have no substantive evidence before me to convince me otherwise.
12. To conclude, the development would have the potential to have a detrimental impact on highway and pedestrian safety on Astles Rock Walk and at the junction of Astles Rock Walk with Comber Road. Consequently, in this particular regard, the development would be contrary to Paragraph 108 of the National Planning Policy Framework (the Framework) which amongst other things requires development to provide safe and suitable access for all people.

Other Matters

13. The appellant suggests that the development would contribute to the Council's housing supply and specifically address a need for housing associated with the over 55s. Reference has also been made to several other sites where accommodation for the over 55s and elderly has been approved. However, from the limited information provided, the material considerations in those cases was not identical to those considered under the main issues for this appeal. A single dwelling would only make a limited contribution towards the Council's requirements. I am not persuaded by the evidence before me that there is a level of need for this type of dwelling such that it should come at the expense of the character and appearance of the area or highway and pedestrian safety.

Conclusion

14. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR