



## Appeal Decision

Site visit made on 8 June 2020 by Andreea Spataru BA (Hons) MA

**Decision by Susan Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> July 2020

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**Appeal Ref: APP/W3005/W/20/3247780**

**Plots 6 and 7, Grange Close, Teversal NG17 3JN**

- 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 Mrs J L Richardson and Mrs J Holder against the decision of Ashfield District Council.
  - The application Ref V/2019/0278, dated 25 April 2019, was refused by notice dated 4 October 2019.
  - The development proposed is the erection of 2no. two-bedroom bungalows and garages.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. two-bedroom bungalows and garages at plots 6 and 7, Grange Close, Teversal in accordance with the terms of the application Ref V/2019/0278, dated 25 April 2019, subject to the conditions outlined in the schedule at the end of this decision.

### 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 is the effect of the proposal on highway safety.

### Reasons for the Recommendation

4. The appeal site relates to a parcel of land located towards the end of a small residential cul-de-sac, within the Teversal Conservation Area. It is served by a private drive, which leads off Pleasley Road, a C class road with a 30mph speed limit. The private drive, Grange Close, also serves several neighbouring properties located within this cul-de-sac, although only three of them appear to have their vehicular access via Grange Close. The vehicular access to Hillcroft Farm, whilst not via Grange Close, is within proximity to the entrance point of the private driveway.
  5. The width of the private driveway varies, with its narrowest point being at the entrance, where there are gate posts, and its widest point being a few metres from the site entrance, between the Grange Bungalow and The Grange. Given its limited width only one vehicle can pass at the site entrance.
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6. The proposed 2no. two-bedroom bungalows would be served by this private driveway. They would each have a garage and off-street parking spaces. The Highway Authority points out that the access leading to the site is of inadequate width, as it does not allow two vehicles to pass at the site entrance.
7. Whilst the entrance point of the private driveway is narrow, the 'proposed swept path analysis' plan shows that the driveway beyond the entrance point is sufficiently wide to allow two vehicles to pass simultaneously. Moreover, the evidence provided by the appellants, in terms of vehicle speed and traffic volume, indicates that Pleasley Road is very lightly trafficked and vehicles generally travel at around the speed limit. Given the scale of the development, the number of vehicles accessing the private driveway would not increase significantly, thus the chance of two cars from both directions meeting each other at the site entrance is small. Nevertheless, in the event of this happening, the arriving car would have to wait on Pleasley Road and any such wait would be for a limited period of time, given the low traffic volume on Pleasley Road.
8. The parties agree that in terms of visibility at the site entrance, the necessary visibility for emerging drivers looking left can be achieved. To the right, however, there is a limited shortfall in visibility over the required distance and as such it is likely that vehicles would need to edge out into the highway before manoeuvring. However, in accordance with advice in Manual for Streets such a scenario can be considered acceptable in lightly trafficked situations such as this. From all I have seen and read, taking into account the road alignment and geometry including the vertical change in levels, I am unconvinced that approaching drivers would not be able to see and safely manoeuvre round a vehicle projecting a limited distance. Moreover, this is an existing situation and I have not been provided with evidence, for example, accident records, to demonstrate that the current arrangements are unsafe. I am also unconvinced that the additional refuse bins periodically positioned at the entrance would worsen the current situation to such a degree that would be detrimental to highway safety.
9. The proposed bungalows would result in additional traffic using the access driveway and its junction with Pleasley Road. However, the additional movements from 2no. two-bedroom bungalows would be limited. On the basis of all I have seen and read, I am satisfied that the proposal would provide a safe and suitable access and would not have an unacceptable impact on highway safety as required by the National Planning Policy Framework.
10. The Council has drawn my attention to a development within this cul-de-sac that was allowed at appeal. I have not been provided with a copy of this decision<sup>1</sup> although I understand that the Inspector in that case concluded that the additional traffic generated by one dwelling would not compromise highway safety. However, it is not clear whether the Inspector's considerations were limited to just one dwelling and there is no indication of the evidence that was before the Inspector at that time. Accordingly, that appeal decision carries limited weight in my consideration of the current proposal.
11. Accordingly, I conclude that the development would not be detrimental to highway safety and as such there would be no conflict with Policy ST1 of the

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<sup>1</sup> Appeal ref: APP/W3005/A/02/1099851

Ashfield Local Plan Review 2002, which seeks to ensure that development has an acceptable impact on the functioning and safety of the highway network.

### **Other matters**

12. The Council found that the proposal would not have a harmful impact on the Teversal Conservation Area. Given the scale and siting of the proposal, I am satisfied from all I have seen and read that it would have a neutral impact on the significance of this heritage asset. Accordingly, it would meet the requirements of S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
13. I have taken into account the concerns raised by third parties about highway safety, Japanese knotweed, conservation, ecology and drainage. Except for the issue addressed above, the Council found these matters acceptable, subject to conditions, and there is no evidence before me that there would be any demonstrable harm caused by the development in terms of these matters.

### **Conditions and Recommendation**

14. I have had regard to the Council's suggested conditions, in the event of the appeal being allowed, in light of the advice in the Planning Practice Guidance (PPG) and I have considered them against the six tests, as outlined within the National Planning Policy Framework (the Framework) and the PPG. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
15. Given that the scale of the development has been determinative in the overall impact of the proposal on highway safety, it is necessary to ensure that no extensions, alterations and/or any other buildings incidental to the 2no. two-bedroom bungalows are undertaken without permission of the local planning authority, in the interest of highway safety.
16. To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land, full details of the finished levels of the dwellings are necessary. Similarly, in order to protect the character and appearance of the Conservation Area, conditions requiring further details on external materials, landscaping, tree protection and boundary treatments are necessary.
17. To ensure that the development provides satisfactory drainage provision, a condition requiring the submission and approval of a scheme for the provision of surface water drainage and foul sewage is necessary.
18. In the interests of highway safety and in particular to prevent undue parking on the access road, it is necessary for a condition requiring the area shown on the submitted plans to be reserved for parking, garaging, circulation and standing of vehicles.
19. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of the PPG. Some of the conditions require the submission of details for approval prior to the commencement of development on site. However, paragraph 55 of the Framework advises that conditions which are required to be discharged before

development commences should be avoided, unless there is a clear justification. I consider that because of the nature of the work involved and potential impact on the above ground levels, for the matters related to finished floor levels, trees protection and drainage the pre-commencement element is necessary, and I note the appellants' agreement to the conditions. However, on the basis of the evidence before me, there is no justification for conditions relating to materials, landscaping or boundary treatments to be discharged prior to the commencement of development. I have therefore amended the timing for the submission of details in relation to these matters accordingly.

20. The Council also suggested a condition for a specific Japanese knotweed removal method statement to be provided. Whilst this might be a benefit of the scheme, it is not necessary to make the development acceptable.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

*Andreea Spataru*

APPEAL PLANNING OFFICER

**Inspector's Decision**

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the suggested conditions.

*Susan Ashworth*

INSPECTOR

**Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan 19/285-01, proposed layout plan 19/285-03, plot 1 plan and elevations 19/285-04, plot 2 plan and elevations 19/285-05, garages plan and elevations 19/285-06, unless otherwise varied by the following conditions.
- 3) No development shall take place until full details of the finished levels of the dwellings hereby approved in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 4) No development shall take place above ground level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, unless the local planning authority gives written approval to any variation.

- 5) No development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 6) Before the occupation of the dwellings hereby approved a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turving in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 7) No development shall take place above ground level until a plan showing the positions, design, materials, height and type of boundary treatments to be erected as well as a phasing scheme for the implementation of the proposed boundary treatment has been submitted to and approved in writing by the local planning authority. The approved scheme shall then be undertaken in accordance with the agreed details.
- 8) Notwithstanding the submitted details, before the commencement of the development hereby approved, a scheme for the provision of surface water drainage works and foul sewage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.
- 9) Before the occupation of the dwellings hereby approved, the area shown on the approved plans as reserved for parking and garaging of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, relating to Classes A-E of Part 1 of Schedule 2, the dwellings shall not be enlarged, improved or altered nor shall any building be erected incidental to the enlargement of the dwellinghouses. No development shall be undertaken without permission of the local planning authority.

END OF SCHEDULE