



Appeal Decision

Site visit made on 24 June 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/P1045/W/20/3249743

The Studio, 2 Wirksworth Hall Farm, Wash Green, Wirksworth DE4 4FD

- 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 R Palin against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00954/FUL, dated 3 July 2019, was refused by notice dated 7 October 2019.
 - The development proposed is conversion of one dwelling to two.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of one dwelling into two, at The Studio, 2 Wirksworth Hall Farm, Wash Green, Wirksworth DE4 4FD, in accordance with the terms of the application Ref 19/00954/FUL, dated 03 July 2019, and subject to the following 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: 'The Studio' Site Location Plan; Block Plan; Existing Ground Floor and First Floor Plans; Proposed Ground Floor and First Floor Plans.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The Mews and The Studio form a single dwelling in planning terms, accessed from Wash Green by a long private drive which also serves a further dwelling, The Stables, a commercial studio and a plant storage facility. Permission was granted in 1996 for the conversion of the building into two dwellings, and implemented, before later being returned to a single dwelling. The Council does not oppose the principle of a dwelling in this location, but a similar application to convert the dwelling into two was refused in May 2018 on highway safety grounds relating to the intensification in use of the access onto Wash Green, and subsequently dismissed at appeal in February 2019.¹ I have had regard to the Inspector's conclusions in that appeal as a material consideration.
4. Wash Green is a narrow road which leads uphill out of Wirksworth in a roughly easterly direction. The access itself is an open entrance, wide enough for two

¹ Appeal Ref: APP/P1045/W/18/3210166

vehicles to pass, with low stone walls to either side, the one to the east being more recessed to provide a wider footway and a bench. To the west of the access, dwellings lining the road down the hill stand immediately at the edge of the footway and I saw on-street parking in front of several houses, but visibility from the access in this direction was reasonable.

5. To the east, the road curves slightly, such that visibility for those descending into Wirksworth is restricted by dwellings standing at the edge of the carriageway on the inside of the bend, and the site access is not seen before passing these dwellings. Derbyshire County Council (DCC) as the local highway authority indicates that the visibility sightline to the east for drivers leaving the appeal site would be 2.4m x 23m, well short of the recommended sightline of 2.4m x 39m based on standards in the Manual for Streets (MfS) and the speed readings taken by the appellant. However, I am mindful that the MfS2 states that unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.²
6. The physical arrangement of the access and Wash Green is unchanged from that considered by the Inspector in 2019, and I agree with her view that the visibility to and from the east is limited. However, I have had regard to further evidence submitted by the appellant which does not appear to have been before my colleague; in particular surveys of speed and traffic volume, and accident data, on Wash Green, a log of vehicular movements from the existing households occupying the appeal site, and predicted trip generation data.
7. The appellant's evidence indicates an average of three to four two-way vehicle movements per minute along Wash Green at peak times, which suggests a relatively lightly trafficked road. I do not have contrary evidence from the Council to dispute this, and though my site visit took place outside peak times at around 11am, the low and intermittent level of traffic I observed leads me to consider the appellant's figures are reasonably representative of the situation.
8. Speeds westbound were recorded at 25mph, below the 30mph limit. Based on what I saw, it is reasonable to consider that drivers do slow when travelling downhill around the blind bend, but at times must also slow when passing the site access to give priority to oncoming traffic, as the parked cars further along require drivers to move to the right hand side to descend the hill. The appellant's data also indicates no recorded accidents in the vicinity of the site access since 1999, which is not disputed by the Council. I draw from this that despite the shortfall in visibility, drivers using and passing the access do so with due care and attention, and that the low levels of documented traffic mean the risk of conflict between users of the existing access and vehicles on Wash Green, despite its limited visibility to the east, is low.
9. The Council's concern also relates to the anticipated intensification of the use from the creation of an additional dwelling. The appellant indicates that the appeal property is used *de facto* as two dwellings by the appellant and family, The Mews being a three-bedroom property and the Studio a two-bedroom property, with separate staircases, bathrooms, kitchens, entrance doors, mains water and electricity connections, tanks and boilers. A total of four vehicles are used by occupants of the appeal property. The Council's evidence does not question the appellant's description of how the property is used.

² Written Transport Statement Evidence, March 2020, Section 3.2.2, quoting Manual for Streets 2, Para 10.5.9

10. The appellant has provided trip logs for The Mews and The Studio over a four week period in January and February 2020, which show The Mews generating an average of 11 two-way movements per day, and The Studio an average of six, inclusive of deliveries and bin collections. The total of 17 would exceed predicted daily movements of between 10 and 11 for two dwellings based on TRICS trip rate analysis for dwellings in suburban and edge of town locations³. DCC indicates that it does not take into account past 'car-owning' residents as this is subject to fluctuation and hearsay. However, no comment is made on the recorded trip data, which is over a reasonable period, and indicates that movements already exceed those which would be expected of two dwellings.
11. Given the property would not be extended, and would continue to be occupied in a similar manner as at present, the granting of permission would be unlikely to materially affect the amount of vehicle movements to and from the site. In the event that the dwellings were occupied by wholly separate households, I am not persuaded that there would be a material increase in car ownership relative to the present level of four. Even if there was, this would not necessarily mean more movements than at present, given the higher than average number of movements recorded, and when the total use of the access by the other dwelling and commercial uses is factored in. What is clear to me from the evidence is that the proposal would fall well short of a 'significant intensification' in use of the access, as argued by the Council.
12. The National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The above considerations, made with regard to evidence not before the previous Inspector, lead me to the conclusion that the proposal would result in no more than a modest increase in use of the existing access, and would not have an unacceptable impact on highway safety or lead to severe cumulative impacts on the operation of the road network. Accordingly, there would be no conflict with Policies HC9 and HC19 of the Adopted Local Plan 2017, which together require proposals to subdivide existing dwellings to provide adequate vehicular access, and that development is can be safely accessed in a sustainable manner and where the highway network can satisfactorily accommodate traffic generated by the development.

Other Matters

13. The site is within the Wirksworth Conservation Area (CA), and I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA⁴. As the proposal would not involve any external alterations, the character or appearance of the CA would be preserved.

Conclusion

14. For the reasons set out, the appeal is allowed. In addition to the standard time limit condition, a condition listing the approved plans is necessary, to provide certainty. No other conditions are suggested by the Council, and I do not consider any others are necessary.

K Savage INSPECTOR

³ Written Transport Statement Evidence, March 2020, Section 3.3.14 and Appendix D

⁴ In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990