



Appeal Decision

Site visit made on 23 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/W1850/W/19/3243160

Land to the rear of Bank House, 62 New Road, Bromyard HR7 4AN

- 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 Mr Shaun Peplow against the decision of Herefordshire Council.
 - The application Ref 191631, dated 3 May 2019, was refused by notice dated 14 October 2019.
 - The development proposed is two storey house with 2 car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form indicates that outline planning permission is sought with all matters reserved for future consideration. However, the Council's decision notice indicates that the application was amended to consider access and layout with all other matters reserved for future consideration.
3. Neither of the main parties has provided written confirmation that the revised description of development has been agreed. However, as the Council has dealt with the proposal on this basis so shall I.
4. An illustrative layout plan accompanies the application and I have paid regard to this plan in so far as assessing the access and layout of the proposal.

Main Issues

5. The main issues are the effect of the proposed development on the safe and efficient operation of the local highway network and the effect of the proposal upon the River Wye Special Area of Conservation (SAC).

Reasons

6. The appeal site comprises a single storey garage located between two houses fronting Clover Terrace. A parking area, associated with another property, extends across part of the frontage of the site and a low brick wall defines the boundary with the neighbouring property.
7. Clover Terrace is a narrow one way street with terrace houses on one side and properties opposite that appear to have been built in the former rear gardens of houses fronting New Road. Parking for the terrace houses is on street, but the dwellings opposite benefit from off street parking.

8. At the time of the site visit I noted that one side of Clover Terrace was heavily parked with cars and this reduced road width which made it more difficult for vehicles to drive along it. Whilst this is a snapshot in time it is evident that the road is heavily used throughout the day.
9. Whilst one additional parking space is proposed and the existing access would remain the proposal and the tandem parking layout would require vehicles to either enter the site in forward gear and reverse out on to the road or manoeuvre within the road to reverse into the site. The reduced road width would require irregular manoeuvres in the road to enter or leave the site thereby increasing the potential for conflict with vehicles, both moving and stationary resulting in an unacceptable impact on highway safety.
10. Whilst reversing onto Clover Terrace may well currently occur the visibility of approaching traffic would be limited, due to existing boundary treatments. For an adequate visibility to be achieved existing boundary treatments neighbouring the site would have to be altered which are outside of the appellant's control. There is no substantive evidence before me to indicate that they would be altered to achieve adequate visibility.
11. The proposed development would not achieve adequate visibility when leaving the site by car due to the position and height of neighbouring boundary treatments. This would increase the likelihood for collisions with oncoming vehicles compounded by the lack of control over on-street parking which would consequently adversely affect highway safety.
12. I understand that a previous permission¹ for a dwelling on the appeal site was approved in 2007. However, I do not have the full details before me. In any event every appeal must be considered on its own merits. My determination of this appeal is focused upon the merits of the 2019 application.
13. The proposed development would, therefore, have a detrimental impact on the safe and efficient operation of the local highway network. As such, the proposed development would be contrary to Policies SS4 and MT1 of the Hereford Local Plan Core Strategy (CS) (2015) which, amongst other things, requires new development to be designed and located to minimise impacts on the transport network; ensuring the efficient and safe operation of the network are not detrimentally impacted; are designed and laid out to achieve safe entrance and exit and appropriate operational and manoeuvring space. It would also conflict with the National Planning Policy Framework (the Framework) which requires development to provide a safe and suitable access for all users and to prevent development where there would be an unacceptable impact on highway safety.

Other Matters

14. The appeal site is located within the River Lugg catchment area which forms part of the River Wye SAC. The Council's second reason for refusal relates to the lack of a Habitat's Regulation Assessment. However, as I have found harm to highway safety which is significant enough to dismiss the appeal there is no benefit in me pursuing this matter any further, notwithstanding the comments made by Natural England.

¹ Planning permission reference DCNC2007/2602/O

15. Whilst there is nothing to suggest that a building sympathetic to the area could not be achieved at reserved matters stage, this does not overcome the harm that I have identified in relation to the safe and efficient operation of the highway network. The economic benefit of a single dwelling and an additional family would be modest and thus I have afforded this limited weight in coming to my decision.

Planning Balance

16. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by Paragraph 73 of the Framework. As such, in line with paragraph 11d of the Framework planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
17. However, paragraph 177 of the Framework indicates that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an Appropriate Assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. For the reasons set out above I have not reached such a conclusion and consequently paragraph 177 applies.

Conclusion

18. Whilst the tilted balance does not apply for the reasons set out above, even if it did, the harm of granting planning permission in respect of the safe and efficient operation of the highway network would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR