
Appeal Decision

Site visit made on 10 September 2020

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/F0114/W/20/3254159

69 The Batch, Farmborough, Bath BA2 0AJ

- 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 and Mrs Sparrow against the decision of Bath & North East Somerset Council.
 - The application Ref 20/01212/FUL, dated 27 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is construction of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling at 69 The Batch, Farmborough, Bath BA2 0AJ in accordance with the terms of the application Ref 20/01212/FUL, dated 27 March 2020, subject to the conditions in the Schedule at the end of this decision letter.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, with reference to the setting of the Grade II* listed Church of All Saints, and, the effect on highway safety.

Reasons

Character and appearance

3. The appeal site is located within the Housing Development Boundary of Farmborough, where the principle of new development is acceptable. The appeal proposes construction of a detached dwelling on a flat, rectangular portion of garden, laid mainly to lawn, situated to the rear of Number 69 The Batch (No. 69).
4. The appeal site, albeit well-concealed, is located relatively centrally within the settlement of Farmborough, a small village in a wider rural area. Built form locally is a mix of traditional, more historic stone-built properties, predominantly constructed of coursed rubble stone with clay tile roofs; as well as later, 20th century two-storey semi-detached or bungalow dwellings constructed of reconstituted stone and concrete tile roofs. The local environs are in part characterised by an obvious evolution in built form up to the late 20th century, of quality materials and a 'human-scale' to development.

5. The proposed dwelling would be set behind a traditionally constructed stone outbuilding and would utilise a slight fall in local landform. Consequently, the scale and mass of the proposed development would not appear visually intrusive or overly prominent within its context. I take no issue with the overtly contemporary architectural style being proposed. Indeed, in my view, it is a well-considered design response to the site that would be of quality, albeit modern materials. When glimpsed views of the proposed building would be available, it would, in my opinion, appear as subtle and restrained contemporary development in a central-village location.
6. I therefore conclude that the proposed development would be of good design and contribute positively to and would not harm local character and distinctiveness. As such the proposals would comply with Placemaking Plan Policies D2 and D5 of the Bath and North East Somerset Local Plan 2011 – 2029; as well as the National Planning Policy Framework, revised February 2019 insofar as they seek to ensure development is of good design and respects local character.
7. The rear stone boundary wall of the appeal site is shared with the burial yard associated with the Grade II* listed Church of All Saints (the Church). I am mindful of my statutory duties in respect of listed buildings.
8. The Church occupies a slightly elevated position within clearly defined boundaries at the outer edge of the rural village of Farmborough. In addition to the Church's historic fabric and architectural execution, its special interest and significance are informed in part by its role and function as a visual and social landmark. This is manifest in the dominance of the building's c. 15th century tower, and surrounding churchyard. The Church's tower is prominent from various vantages, and from the private houses and gardens that have evolved around it, including the appeal site. Owing to its proximity, the appeal site, like many other dwellings and the open fields that extend beyond it, are within the vicinity of the Church and comprises a part of its setting.
9. Although sharing a boundary with it, the appeal site is read and experienced as being part of the residential development that has incrementally evolved around the Church over centuries. Even at times and year when intervening vegetation is not as dense, the proposed new dwelling would be set amongst a cluster of outbuildings and between the two-storey mid-to-late 20th century dwellings on either side. As a consequence of its position and scale, the appeal building would integrate within its surroundings and be seen as part of the built-form that has evolved around the Church.
10. In light of the site-specific circumstances and the detailed design of the proposed dwelling, I consider that the proposed development would preserve the setting of the Grade II* listed building. As a consequence, there would be no harm to the significance of the designated heritage asset and no conflict with the relevant statutory duties, the historic environment policies within Section 16 of the Framework or Core Strategy Policy CP6 or Placemaking Plan Policy HE1, which seek to safeguard heritage assets and their settings.

Highway safety

11. The new dwelling would stand at the end of an existing unadopted vehicular access off The Batch that currently serves four dwellings, including No. 69. The Batch is a winding, single-lane public highway bounded by stone walls and

- occasional access entrances, with a flush pedestrian footway marked along one side. The appellant's traffic flow survey recorded one vehicle passing every one to two minutes in each direction along The Batch during the busiest period; with an average vehicle speed of around 18.5mph.
12. At the time of my visit to the site, the local highway network was relatively quiet and the three or so vehicles I did observe passing the site's entrance did so slowly. Although just a snap-shot in time, my observations correspond with the appellant's traffic report that vehicle speeds are low and the nature of the local highway induces cautious driving behaviour.
 13. Beyond its entrance, the access route leading to the appeal site is flat and straight. Whilst relatively narrow, the route widens informally at various points along it, including close to the entrance. The route serves just four dwellings, at least two of which I observed benefited from pedestrian pathways directly to The Street. In my opinion, the instances of cars or pedestrians meeting would be infrequent. Nevertheless, there are currently places where pedestrians could take refuge along the route or where vehicles could make room to pass, without necessarily reversing onto The Batch.
 14. I accessed the appeal site in a medium-sized saloon car. Turning into the access route from the direction of The Street (turning right), I experienced the turn as being extremely tight, with visibility severely restricted by a stone boundary wall and vegetation. Likewise, turning left out of the access towards The Street in a forward gear, I experienced the visibility to be extremely limited, necessitating 'nosing out' onto the highway to gain site of any oncoming traffic. Furthermore, the angle of the entrance means that, turning left out of it requires crossing over the flush pedestrian footway opposite.
 15. My experience of the current access provision onto The Batch is that the boundary wall and vegetation significantly hamper visibility of oncoming vehicles, particularly those approaching from the direction of the Street. Although falling below distances endorsed in Manual for Streets, the local topography and height of the banked roadside mean there is better visibility to the right on exiting the access road onto The Batch, making turning into or out of the access drive much less constrained.
 16. The appeal scheme includes proposals to modify the existing driveway entrance onto The Batch through reconstruction of the wall on the northern side of the drive and removal of vegetation, creating a wider access 'bell mouth'. The proposals also include modifications to the existing access where it joins The Batch in order to facilitate improved visibility.
 17. The appeals scheme would inevitably generate modest intensification of use of the driveway and access point onto The Batch. So too would there potentially be more pedestrian journeys along the access route. On occasions where vehicles did meet at the site's entrance, the proposed modifications would, in my judgement, provide meaningful additional space for vehicles to pass, or to turn in whilst another waits to turn out. Thereby, instances of vehicles having to reverse onto The Batch would be reduced.
 18. I take the point that recorded data of local traffic incidents does not include near misses and that the standard stopping distance of 19.4 metres as recommended within Manual for Streets would not be met with the proposals. However, I consider the modifications would be a meaningful improvement to

visibility over the existing situation, particularly when turning left out of the site. Furthermore, the re-alignment of the boundary wall would minimise the angle at which vehicles turning left out of the entrance would encroach over the footway opposite. Overall, I consider that the intensification of the use of access would be balanced by the widening and visibility improvements and would not prejudice highway safety.

19. I therefore conclude that safe and suitable access to the appeal site would be achieved for all users and the proposal would not have an unacceptable impact on highway safety. It follows, that I do not find conflict with Policy ST7 of the Placemaking Plan, nor the Framework, in respect of highway safety.

Other matters

20. The intervening distances and orientation of the proposed dwelling to its closest neighbours would ensure there would be no harmful overlooking or loss of privacy, even from the small recessed first floor balcony. There is no compelling evidence to suggest the appeal scheme would result in unacceptable noise other than can be expected from any two-bedroom dwelling within the more built-up confines of a village. Neither matter, nor other matters raised in objection to the appeal scheme, give me cause to justify withholding planning permission.

Conditions

21. I have considered the various conditions suggested by the Council in respect of the advice given in the Framework and Planning Practice Guidance. I have attached conditions limiting the life of the planning permission and setting out the approved plans as these create certainty for all parties. Given the locational circumstances of the appeal site, a condition requiring a Construction Method Statement is necessary; I have sought agreement to the imposition of this pre-commencement condition. I agree with the Council that conditions controlling the materials to be used on external surfaces are necessary to ensure that the appearance of the development is satisfactory. A condition requiring details of surface water drainage is necessary to ensure the site is properly drained. Conditions relating to implementation of parking, turning and access arrangements, to keep sight-lines clear and unbound materials away from the public highway are necessary to ensure highway safety. Conditions should be tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls. I therefore do not consider it necessary to require provision of water butts or cycle parking, nor to condition construction that would be required by other legislation.

Conclusion

22. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

H Porter

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: 1415/P/LOC P1 (Location Plan); 1415/P/01 P1 (Site Survey); 1415/P/02 P1 (Proposed Site Plan); 1415/P/03 P1 (Proposed Ground Floor Plan); 1415/P/04 P1 (Proposed First Floor and Roof Plan); 1415/P/05/ P1 (Proposed Elevations); 1415/P/06 P2 (Proposed Sections); SK002 Revision A (Existing Visibility Splays); SK003 Revision E (Visibility Splays Proposed Junction Design).
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) The dwelling hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 5) Notwithstanding condition 2 above, prior to the construction of any external surfaces on the dwelling hereby permitted, details of the materials and finishes of all external surfaces, including roofing materials, stone or timber facing materials, windows, doors and rainwater goods, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Notwithstanding condition 2 above, prior to the construction of any external surfaces on the dwelling hereby permitted, samples of roofing, stone and timber facing materials shall have been submitted to and approved by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 7) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 8) The dwelling hereby permitted shall not be occupied until access works shall have been constructed to provide sight lines in accordance with drawing ref SK003 Rev E. The access and sight lines shall be retained thereafter.

- 9) The dwelling hereby permitted shall not be occupied until at least the first two metres off the access driveway from the highway boundary has been surfaced with a hard-bound material (not loose aggregate or other un-bound, un-compacted surface material). The surface of the access driveway shall be retained as such thereafter.
- 10) No structure shall be erected, or vegetation shall be allowed to grow, above 0.9 metres in height within the sight lines referred to in condition 8 above.