



Appeal Decision

Site visit undertaken on 29 September 2020

by Mrs J A Vyse DipTP Dip PBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/D0515/W/20/3254507

Meadow Cottage, 4 Causeway Close, March PE15 9NZ

- 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 John Wallis against the decision of Fenland District Council.
 - The application No F/YR20/0281/O, dated 9 March 2020, was refused by a notice dated 4 May 2020.
 - The development proposed is the erection of 1 dwelling.
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Decision

1. For the reasons that follow, the appeal is allowed and outline planning permission is granted for the erection of 1 dwelling at Meadow Cottage, 4 Causeway Close, March, in accordance with the terms of the application No F/YR20/0281/O, dated 9 March 2020, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by the appellant against Fenland District Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to an outline application with all matters other than scale and access reserved for future consideration. Access is shown as being taken along the eastern boundary of the current curtilage to No 4, onto Causeway Close. This application follows an earlier unsuccessful application for a similar scheme. No issue was taken then, or now, with the principle or scale of development here. Rather, the concerns related to access arrangements. Previous concerns about conflict with parking spaces for the occupiers of the host dwelling, No 4, have been addressed.

Main Issue

4. The main issue in this case relates to the effect of the development proposed on highway safety.

Reasons for the Decision

5. Causeway Close is a private, single-track residential cul-de-sac that joins The Causeway (B1101) at a priority junction. It is straight, with clear visibility along its length. As such, drivers emerging onto Causeway Close from the appeal site would have clear sight of any oncoming vehicles, cyclists or pedestrians and could wait at the wider part of the drive, adjacent to No 4, until any oncoming traffic had passed before proceeding up to the junction with

The Causeway. At the junction with the main road, Causeway Close widens to some 7.8 metres for a set-back of some 8 metres. That widening provides an area of refuge clear of the main road, where vehicles turning into Causeway Close off the main road can wait should a vehicle, cyclist or pedestrian already be travelling east towards the junction.

6. Uncontested evidence before me derived from the TRICS database, demonstrates that the single dwelling proposed would be expected to generate just 0.55 two-way vehicle movements in the AM peak, some 0.56 two-way movements in the PM peak. When added to the likely traffic generated by the four existing dwellings served off Causeway Close, the increase at those peak times would be negligible. As such, the likelihood of two oncoming vehicles meeting on Causeway Close, even at the busiest times of day seems unlikely but, in any event, can be accommodated as set out above
7. A designated cycleway marked within the footway crosses the mouth of the junction. Cycleway users are warned to give way at the crossover by painted markings on the ground and dropped kerbs with tactile paving, with vehicles arriving at the junction from Causeway Close having priority over users of the cycleway. In my view, a view shared by the Highway Authority, the anticipated increase in the use of this junction, compared with the traffic movements associated with the existing dwellings, is unlikely to result in any material increase in potential conflict with pedestrians or cyclists crossing the mouth of the junction. Whilst local residents suggest that there have been some collisions with cyclists at the junction over the years, that does not mean that the arrangement here is inherently unsafe in this regard.
8. In a 30mph area such as this, the Cambridgeshire Design Guide for Streets and the Public Realm (2007) suggests visibility splays of 2.4 x 43 metres in each direction. Whilst visibility to the north (left) at the junction is unimpeded, the base of a grade II listed stone cross significantly restricts driver visibility to the south (right). Looking in that direction, the footway/cycleway is set back from the road, behind a grass verge, and runs past the western side of the base. As a consequence, there is visibility to the right on approach, before one gets to the base of the cross. At the junction itself, with visibility to the right of just 9 metres at an x-distance of 2.4 metres from the driver's location, increasing to only 15 metres at an x-distance of 2 metres, the geometry of the junction is clearly substandard.
9. The Causeway is not a high speed road. It is lit and its alignment here is such that drivers approaching from the south have clear sight of vehicles emerging from Causeway Close in good time. Moreover, whilst recognising that the arrangement is far from desirable, the Highway Authority raises no objections to the proposal on the basis that this is an existing access that has apparently been used safely for many years by the traffic associated with the four existing dwellings on Causeway Close (constructed in the late 1980s) plus a fifth property that exits onto the wider junction mouth (No 1 The Avenue), with no reported accidents in the vicinity of the access intersection with The Causeway. There was no evidence in this regard that the additional dwelling would result in harm to the safe operation of the access.
10. As noted by the Inspector dealing with an appeal in relation to Apple Tree Close a short distance from the current appeal site, further along the B1101,¹ the

¹ APP/D0515/W/18/3195452 Erection of a two storey dwelling. Approved July 2018

Design Guide is a set of guidelines as opposed to a set of hard and fast rules. Whilst the access in that case is not directly comparable to the arrangement here,² my colleague also found (as did an Inspector dealing with an earlier appeal on that site) that *'there can be little doubt that beyond the initial construction phase, a single dwelling would not result in a significant amount of additional traffic using Apple Tree Close.'* I see no reason why that sentiment does not hold true here.

11. Concern has been expressed about the potential for damage to an old boundary wall alongside Causeway Close during construction. However, that is a private matter between the parties and does not have a bearing on the outcome of this appeal. Concerns about tree protection during construction can be dealt with by condition.
12. Whilst not wishing to condone the use of substandard highway geometry, in the absence of any evidence to support the Council's case, or which undermines that produced by the appellant I am content, in the specific circumstances that prevail here, including the 'no objection' comments of the Highway Authority, that the development proposed would not have a material adverse impact on highway safety. I find no conflict, in this regard, with Policy LP15(C) of the Fenland Local Plan (2014) which requires that development should provide well designed, safe and convenient access for all. I find no conflict either with paragraphs 108 and 110 of the National Planning Policy Framework (the Framework) which provide similar guidance.
13. For the reasons set out above, I conclude on balance that the appeal should succeed.

Conditions

14. I have considered the conditions suggested by the Council in the light of the related advice in the Framework and the Government's Planning Guidance. In addition to the standard conditions relating to the submission of reserved matters and commencement of development (conditions 1, 2 and 3 in the schedule below) it is necessary to specify the plans to which the permission relates, as this provides certainty for all parties. (condition 4)
15. Conditions 5-7 in the schedule below are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used.
16. It is necessary to secure details of proposed hedging in the interest of visual amenity and in order to improve biodiversity in accordance with policies LP16 and LP19 of the Local Plan. (condition 5)
17. Given the constrained nature of Causeway Close, and noting the concerns of local residents about construction traffic, it is necessary in the interest of safety to ensure that sufficient space is available during construction for site operatives, delivery vehicles and visitors etc to be able to park, turn, load and unload within the site (6) A condition securing submission of and compliance with tree and root protection measures is also necessary, in order to ensure that trees on or adjacent to the site are protected during the construction

² It is described as a narrow cul-de-sac serving five dwellings and a number of garages with one formal passing place.

period in the interest of visual amenity and biodiversity in accordance with in accordance with policies LP16 and LP19 of the Local Plan. (7)

18. Condition 8 secures the re-provision of parking lost as a consequence of the development proposed for occupiers of the host dwelling, in the interest of keeping Causeway Close free of obstructions given its restricted width.

Jennifer A Vyse
INSPECTOR

Schedule of Conditions
APP/D0515/W/20/3254507
Meadow Cottage, 4 Causeway Close, March

Reserved Matters

- 1) Details of the appearance, landscaping and layout (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins. Development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Plans

- 4) The development hereby permitted shall be carried out in accordance with Drawing No CH19/LBA/502/OP-1-100A, but only insofar as it relates to access and scale.

Pre-Commencement Conditions

- 5) The landscaping details to be submitted pursuant to condition 1 above, shall include details of mixed native hedgerow along the western site boundary.
- 6) Prior to commencement of development, including any works of site clearance, details of arrangements to be provided on site for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction, shall be submitted to and approved in writing by the local planning authority. The arrangements shall be provided in accordance with the approved details and kept available for the intended purpose throughout the construction period.
- 7) Prior to the commencement of the development, including any works of site clearance, full details of tree and root protection measures for trees on and adjacent to the site during the construction phase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Pre-Occupation Condition

- 8) The dwelling hereby permitted shall not be occupied unless and until the three new parking spaces for occupiers of No 4 Causeway Close, as shown on Drawing No CH19/LBA/502/OP-1-100A, have been levelled, surfaced, demarcated and drained in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The parking spaces shall be provided in accordance with the approved details and shall be retained thereafter for the intended purposes.

-----END OF SCHEDULE-----