



Appeal Decision

Site Visit made on 17 May 2021

by Matthew Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/D1265/W/21/3267101

82 East Street, Beaminster DT8 3DT

- 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 Miss Hughes against the decision of Dorset Council.
 - The application Ref WD/D/20/000583, dated 3 March 2020, was refused by notice dated 12 August 2020.
 - The development proposed is demolition of the existing bungalow and erection of 5 no. new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing bungalow and erection of 5 no. new dwellings at 82 East Street, Beaminster DT8 3DT in accordance with the terms of the application, Ref WD/D/20/000583, dated 3 March 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Miss Sonya Hughes against Dorset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Although the appeal documents indicate that the Council correctly notified interested parties of the appeal, a number of people claimed not to have received notification and/or struggled to find relevant appeal documents. Accordingly, some interested parties were afforded an extension of time to submit comments to the appeal. On this basis, I am satisfied that no party has suffered injustice in the appeal process.

Main Issues

4. The main issues are the effect of the development on highway safety, and whether the site is in an appropriate location for the development, with regard to development plan policies.

Reasons

Highway safety

5. East Street is a narrow, irregularly aligned, historic road with buildings either side. I understand that high levels of on-street parking frequently obstruct forward visibility and cause obstruction to traffic movements. The access is close to other accesses that also have limited visibility which could complicate vehicle and pedestrian movement patterns around the site.

6. Local residents report the need to reverse to accommodate farm traffic or commercial vehicles, including those making deliveries which may well have increased in number during the COVID-19 pandemic. I am told that the road can be particularly busy if surrounding roads, such as North Street, or Woodswater Lane are closed.
7. There is limited footway provision, and none around the appeal site, such that pedestrians, including the elderly and school children, must share the carriageway with vehicles. I am told that pedestrian traffic has increased over the last year or so, as people have spent more time at home, particularly at stated non-peak times. While there is no record of personal injury accidents to pedestrians, there is anecdotal evidence of frequent near-misses or pedestrians being brushed by passing cars.
8. The net addition of 4 dwellings at the site would increase vehicle and pedestrian flows along East Street. This has the potential to add to congestion and the safety concerns of residents. However, even if the increases were larger than predicted by the appellant, they are likely to be very small compared to that generated by the numerous dwellings already served by East Street between the centre of Beaminster and the site, and beyond.
9. The road narrows towards the site and the adjoining buildings either side are positioned against the carriageway. As such, visibility at the access is very poor. There is no robust up to date evidence of traffic speeds past the site, but while the speed limit is 30 miles per hour, the nature of the highway means that most vehicles are likely to be travelling slower than this. That said, it is unlikely that the access can provide visibility splays that would accord with Manual for Streets (MfS) guidance, even at the reduced speed of most traffic.
10. Nevertheless, MfS2 sets out that while it has often been assumed that an increase in injury collisions will result from a failure to provide visibility at priority junctions in accordance with the values recommended in MfS, research has found no evidence of this. Furthermore, while MfS2 continues to advocate visibility splays based upon vehicle speeds, it also notes that unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.
11. There are numerous accesses along East Street with substandard visibility, including in close proximity to the appeal site. Some of these have better visibility than the appeal site, but generally poor visibility at access points is a characteristic of East Street. While personal injury accident statistics do not necessarily portray the whole picture, there is no substantive evidence before me of a safety problem on East Street. Nor is there any indication that the existing access at the site is unsafe despite it having been in use, albeit for only one dwelling, for some considerable time. MfS guidance does not, therefore, point away from granting planning permission.
12. I note that vehicle parking is likely to push passing traffic towards the site side of the road. Nevertheless, there is forward visibility towards the access from a driver's point of view such that approaching traffic is likely to see an emerging vehicle, even if the exiting driver has not yet gained a clear view of the carriageway. Whilst the need to accommodate such movements may be inconvenient to through traffic, given the characteristics of East Street overall, it would not cause a severe impact on the highway network.

13. There is local concern that vehicles would not be able to turn into the access in one manoeuvre. Any parked cars opposite the access point would hinder the manoeuvre. However, there is no clear evidence to suggest that this has been a problem for the existing dwelling at the site and, giving that the access would be widened, I find these concerns to be unsubstantiated.
14. The proposal would provide adequate parking to serve the needs of the development. Therefore, while there may be extreme parking pressure on the local road network, the extent of any overspill is likely to be insignificant.
15. I am also mindful that the Council's Highway officers have raised no objection to the proposal. While there is suggestion of an inconsistency in this recommendation, compared to a long history of objections in the area, the consultation response is based on balanced review of the particular circumstances. In light of my own findings, I have no reason to disagree with the views of these officers.
16. I, therefore, find that the proposal would not harm highway safety. As such, it would not conflict with the aims of Policy COM7 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP) that seek to prevent development that would have a severe detrimental effect on road safety.

Location

17. The site is within an Area of Outstanding Natural Beauty (AONB), but adjacent to the main built form of the settlement and separated from the wider countryside by allotments containing various ad hoc structures. It would, therefore, conserve the landscape and scenic beauty of the AONB. With regard to this, the site's setting, and the scale of development, it would not be major development within the AONB.
18. The dwellings would also be adjacent to the conservation area. While not to everybody's liking, I have no reason to disagree with the Council's position that the houses would be appropriately designed and respectful of their context. The alterations to the access which is within the conservation area would have little effect. The main part of the site is open land that already cuts across the rear boundaries of various properties that front East Street and so would not disrupt the settlement pattern. The houses would be positioned such that they did not intrude heavily on the open characteristics of the settlement edge.
19. Therefore, with regard to the proposed built forms, siting behind the main road frontage and presence of the existing building and access, I find that the character and appearance of the area would be preserved and the significance of the designated heritage asset would not be harmed.
20. Nevertheless, the site is outside the defined development boundary of Beaminster where LP Policy SUS2 seeks to strictly control development, having particular regard for the protection of the countryside. Irrespective of the existing use of land, development beyond the defined development boundaries is restricted to certain types, including affordable housing, which the proposal is not. There would, therefore, be a technical conflict with Policy SUS2.
21. While employment opportunities in Beaminster may be limited and there may be a perception that capacity at schools and other facilities is stretched, the settlement is listed in Policy SUS2 amongst various locations that should be a focus for growth. There would, therefore, be no conflict with the overall spatial

strategy that the Policy sets out. As there is no evidence of demonstrable harm arising from the location outside the settlement limit, with particular regard to the protection of the countryside, I attach very little weight to the technical conflict with Policy SUS2.

Other Matters

22. The Council officer's report sets out, at length, how the proposal would have an appropriate relationship with adjoining residential properties. I observed the various relationships, as they exist on the ground, during the site visit. Given the distances that would be provided between existing and new buildings, their scale and orientation, I saw no reason to disagree with the Council officer's assessment that the effect on the living conditions of existing residents, with regard to matters including privacy of dwellings and gardens, outlook, and daylight, would be acceptable. Any developer will have to ensure that neighbouring properties are not damaged by the construction process.
23. Parts of the development would be positioned some distance from East Street. The likely location of refuse bins relative to the collection point may cause some inconvenience to future occupiers. I have no reason, though, to find that the presence of any additional bins on the highway when put out for collection, would cause substantially more obstruction than for any other existing properties. The siting and access may hinder access for emergency services and service vehicles, but any development would have to ensure that the Building Regulations were complied with.
24. The Council's officer report clarifies that, provided a Biodiversity Plan is carried out, then LP Policy ENV2 that seeks to ensure the protection of wildlife and habitats would be satisfied. That can be secured via a planning condition. In addition, as three Dorset Notable species were found in the sward of semi-improved grassland, off-site compensation would be required to replace the habitat. A planning obligation has been provided that would secure a financial contribution to deliver this.
25. The biodiversity reports did not note the presence of a pond on neighbouring land. I have asked the Council and appellant to comment specifically on the implications of this omission for the robustness of the various submissions. Both parties have confirmed that there has never been any evidence of protected species, such as Great Crested Newts, in proximity to the site, despite further dialogue with between the Council and the pond's owner whilst the application was being considered.
26. The Biodiversity Plan would include measures to protect species in the unlikely event that they were present. I am also mindful that, the unlicensed disturbance of protected species during development would be an offence. As such, I am satisfied that protected species would not be harmed by the development.
27. At this stage, there is no certainty over the suitability of soakaways to deal with surface water drainage. However, the Council's officers are satisfied that some form of drainage that would safeguard the surrounding area from an increase in flood risk would be possible. There is no substantive evidence that additional foul drainage loading cannot be adequately accommodated by Wessex Water.

Planning balance

28. I have found that there would be no harm to highway safety, but there would be a technical conflict with LP Policy SUS2. The Council has confirmed that it can currently only demonstrate a 4.93 year supply of deliverable housing land. Even though the shortfall against the 5 year supply is small, paragraph 11(d) of the National Planning Policy Framework (the Framework) still falls to be considered. This indicates that permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. My findings in respect of the conservation area and AONB means that there are no policies within the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed.
29. Despite its location outside the defined development boundary, the site would be located within the built-up area of Beaminster, a settlement that, according to the LP, should be a focus for additional housing growth. There may well be other land within the defined development boundary, only a small number of additional homes would be provided, and I have been told that many more are being built elsewhere in Beaminster. Nevertheless, in the absence of a 5 year supply, I give the benefits associated with the delivery of housing moderate weight.
30. While there might be some inconvenience to future occupiers in terms of the overall site layout, particularly with regard to the bin storage and collection, and other servicing arrangements, as well as a little inconvenience to local residents from the small increase in traffic on East Street, these harms do not significantly and demonstrably outweigh the benefits. The proposal, therefore, benefits from the presumption in favour of sustainable development set out at Framework Paragraph 11.
31. In the absence of significant harm from the site's location outside the defined development boundary, I have attributed little weight to the technical conflict with LP Policy SUS2. As Government policy, the Framework and the presumption in favour of sustainable development therein, carries substantial weight. I, therefore, find that material considerations indicate that a decision should be taken otherwise than in accordance with the development plan and permission should be granted.

Conditions

32. A plans condition is required in the interests of certainty. To protect the character and appearance of the area, details of facing materials and landscaping need to be approved and implemented. A condition is also required to clarify finished floor levels of the buildings as, while they are shown on the plans, there is some inconsistency and it is not clear what permanent datum point has been used.
33. In the interests of highway safety, conditions are required to secure appropriate surfacing of the first part of the access, the provision of parking and turning spaces, and a construction traffic management plan. In the interest of pedestrian connectivity and safety, details of the pedestrian link from the site must be provided and implemented.

34. To protect biodiversity, the measures set out in the approved Biodiversity Plan need to be carried out and a fence needs to be erected to define a buffer zone against the boundary hedge. External lighting must not be installed without prior approval as to its design and siting and a specific condition is necessary to control that.
35. To ensure that adequate storage facilities are provided for refuse a condition is required to ensure the delivery of the details shown on the approved plans. To promote the use of low-carbon vehicles and ensure appropriate facilities exist for future residents, electric vehicle charging points must be provided. In the event that contamination is found on the site, conditions are required to ensure that it is appropriately reported and remediated. To ensure there adequate surface water disposal facilities, a condition is necessary to secure final details of a drainage scheme.
36. The Council has recommended a condition that bathroom windows would be obscure glazed. However, given their positions, the ability to see out of these windows would not harm privacy of other nearby residents. I have, therefore, not included it. I have made some revisions to the Council's other conditions in the interests of clarity and consistency, and to ensure compliance with Planning Practice Guidance.

Conclusion

37. For the reasons given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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: 11352-01 Rev C; 11352-02 Rev D; 11352-06 Rev D; 11352-07 Rev A; 11352-08 Rev A; 11352-09 Rev A; 11352-10 Rev A.
- 3) Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. The CTMP must include:
 - Construction vehicle details (number, size, type and frequency of movement);
 - a programme of construction works and anticipated deliveries;
 - timings of deliveries so as to avoid, where possible, peak traffic periods;
 - a framework for managing abnormal loads;
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage);
 - wheel cleaning facilities;

- vehicle cleaning facilities;
- inspection of the highways serving the site (by the developer (or their contractor) and Dorset Highways) prior to the work commencing and at regular, agreed intervals during the construction phase;
- a scheme of appropriate signing of vehicle routes to the site;
- a route plan for all contractors and suppliers to be advised on;
- temporary traffic management measures where necessary.

The development must be carried out strictly in accordance with the approved CTMP.

- 4) Prior to the commencement of construction of any new dwellings hereby permitted, details of the finished floor levels of all the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to commencement construction of any new dwellings hereby permitted, details of the surface water drainage proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.
- 6) Before any development is carried out above damp proof course level details and samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained as such.
- 7) Prior to the occupation of any dwelling hereby permitted, full details of both hard and soft landscape works and a maintenance scheme for the landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme that shall first have been agreed in writing with the Local Planning Authority.

The landscaping shall be maintained in accordance with the approved scheme for a period of 5 years from the date of the planting and if in that time any tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

- 8) Prior to the occupation of any dwelling hereby permitted, details of the fencing which is to define the buffer zone to the boundary hedge shall be submitted to and approved by the Local Planning Authority. The fencing shall be installed prior to the occupation of any dwelling and shall thereafter be permanently retained as such.
- 9) Prior to the occupation of any dwelling hereby permitted, the first 5.0 metres of the vehicle access, measured from the rear edge of the

- highway excluding the vehicle crossing, must be laid out and constructed to a specification that shall previously have been submitted to and approved in writing by the Local Planning Authority.
- 10) Prior to the occupation of any dwelling hereby permitted, the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.
 - 11) Prior to the occupation of any dwelling hereby permitted, full details of the secondary pedestrian access (between 64 East Street and the garages adjacent to 62 East Street) should be submitted to and approved in writing by the Local Planning Authority. The pedestrian access shall be provided in accordance with the approved details prior to occupation of any of the dwellings hereby approved and shall thereafter be retained and maintained as such.
 - 12) Prior to the occupation of any dwelling hereby permitted, the refuse storage areas as shown on the approved site layout plan shall be provided and thereafter retained as such.
 - 13) Prior to the occupation of any dwelling hereby permitted, a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwellings and shall thereafter be maintained as such.
 - 14) In the event that contamination is found at any time when carrying out the development hereby permitted, all work shall cease and the applicant shall seek specialist advice. The contamination must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 and the investigation and risk assessment reports shall be submitted to and approved in writing by the Local Planning Authority. If such reports require site remediation measures then the investigation reports must identify any necessary remediation and that scheme of remediation shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.
 - 15) The development shall be carried out in accordance with the recommendations of the Biodiversity Plan dated 5th June 2020, as approved by the Dorset Natural Environment Team, unless otherwise agreed in writing by the Local Planning Authority.
 - 16) No external lighting shall be installed as part of this development until details showing its location, appearance and luminance has been submitted to and approved in writing by the Local Planning Authority. Any such external lighting shall be carried out in accordance with the approved details and shall thereafter be permanently retained as such thereafter.