



Appeal Decision

Site Visit made on 15 June 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/X1355/W/21/3270225

Garden Cottage, Holmside Lane, Holmside DH7 6EP

- 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 David Lawson against the decision of Durham County Council.
 - The application Ref DM/20/01573/FPA, dated 18 June 2020, was refused by notice dated 7 October 2020.
 - The development proposed is erection of single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that the County Durham Plan (2020) ('the CDP') was adopted on 21 October 2020. The CDP replaces the Derwentside District Local Plan (1997). I must take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety; and,
 - whether the site is a suitable location for the proposed development having regard to accessibility to services and public transport.

Reasons

Highway Safety

4. The proposed dwelling would be constructed following demolition of an existing detached garage building located within the garden of Garden Cottage. This garage has its own access to the highway which would be retained to serve the proposed dwelling with parking provided for two cars. A further access to the south of the appeal site and closer to the existing dwelling would continue as the access to Garden Cottage.
5. The existing vehicular access to the highway has extremely poor visibility largely due to its orientation with the highway, the rising land to the north, and the boundary walls around the site. As such it is likely that vehicles will need to pull out into the carriageway when exiting the access. The adjacent highway is relatively narrow and a sharp bend a short distance to the north has the effect

of further reducing visibility in this direction at the point of access. This would be experienced by road users exiting and entering the site. This would be likely to lead to vehicles waiting in the highway, potentially causing an obstruction to traffic. On the site visit I saw that the road, whilst not busy, was well-used. Whilst the bend to the north is likely to slow vehicles down, the steep slope is likely to contribute to increasing vehicle speeds south past the access, which I experienced at the site visit. I have not been provided with any accident history associated with this access. Nevertheless, this does not change the existing situation, and whilst only one dwelling is proposed this would still increase its use which in turn would increase the highway risks associated with it.

6. I have had regard to the appellant's proposal to recess the walling piers that currently impede visibility, however even if this were carried out, the proximity of the bend to the north in particular would mean that visibility would still be extremely limited and consequently the proposal would still have a significantly harmful effect on highway safety.
7. Policy 21 of the CDP is clear that all development proposals should ensure that vehicular traffic generated by the development can be safely accommodated on the local and strategic highway network. Given the existing conditions with the access to the appeal site which are not, for the reasons set out above, adequate in terms of accessibility and safety, the proposal would conflict with this policy. The development would therefore not be acceptable in terms of highway safety with regard to the access.

Location

8. The appeal site is located in a rural context to the north of Holmside, a small settlement with limited facilities including a village hall and a bus stop. Further afield are the larger settlements of Edmondsley and Sacriston (2.5 miles) which have better access to shops, services and public transport. The appellant has provided details of a bus service at Charlaw Inn that is located around 12 minutes' walk from the appeal site, as well of a number of other facilities that are located further away.
9. Consistent with the approach in paragraph 102 of the National Planning Policy Framework ('the Framework'), Policy 21 of the CDP seeks, in summary, to focus development principally in accessible locations linked to existing services and facilities and where sustainable modes of transport are readily available. On the site visit I saw that accessing Holmside, the bus service at Charlaw Inn and the larger settlements beyond on foot is not a welcoming prospect.
10. Any future occupant of the appeal dwelling wishing to access the limited facilities or the bus stop in Holmside on foot would be required to walk along the narrow, sloping and unlit highway with limited verges that is subject to the national speed limit for a distance in excess of 200 metres before reaching streetlighting or footways. Accessing the bus service at Charlaw Inn would require walking 800 metres along similarly unlit national speed limit roads. Future occupants of the appeal dwelling would be unlikely to view either route as safe or convenient which would discourage them from accessing public transport.
11. Walking distances would increase significantly if accessing the facilities in Edmondsley, Sacriston or those provided by the appellant on foot and would require walking along undulating national speed limit roads without dedicated

footways or streetlighting before reaching either settlement. Whilst these distances are likely to be more convenient to cyclists, cycling along unlit rural roads, particularly in the dark would not be a safe or convenient alternative to the private motor vehicle for most journeys.

12. Whilst I am mindful that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, for the above reasons, future occupants are unlikely to use sustainable modes of travel and as such would be highly reliant on private modes of transport, with resultant implications for emissions, in conflict with the general approach advocated by Policy 21 of the CDP set out above.
13. I have had regard to several grants of planning permission that the appellant considers to be similar to the appeal proposal. However, I have not been provided with full details of the circumstances that led to these being approved, for example pre-existing development, permissions or the relevant policy context that applied at that time. In this respect, I note that both examples pre-date the formal adoption of the CDP. Nevertheless, I have assessed the appeal on its own merits.
14. For the above reasons I conclude that the appeal site would not represent a suitable location for the proposed development and would therefore conflict with Policy 21 of the CDP and the provisions of paragraph 102 of the Framework.

Other Matters

15. I have also had regard to Policy 19 of the CDP, referred to by the appellant, which seeks to provide a suitable type and mix of housing on new housing developments. Whilst I note that the appeal property is indeed bespoke and would add to the mix of housing in the area, this carries limited weight in the overall planning balance and therefore does not override my findings with regard to the effect on highway safety and suitability of the location.

Conclusion

16. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR