



Appeal Decision

Site visit made on 15 December 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022.

Appeal Ref: APP/R0335/W/21/3274877

Land rear of 12 Dukes Ride, Crowthorne RG45 6LT

- 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 Liz Manuel of Jonglores Properties Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 20/00864/OUT, dated 28 October 2020, was refused by notice dated 4 March 2021.
 - The development proposed is erection of two-storey building comprising two 2 bedroomed flats with rear garden and service access via Dukes Ride Crowthorne.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original application was made in outline with access, scale and layout to be determined at this stage. I have dealt with the appeal on this basis and considered any other details as being for illustrative purposes only.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is an area of land to the rear of 12-14 Dukes Ride (Nos 12-14). The proposed dwellings would be served by an existing access off Dukes Ride which runs between the existing buildings at the front of the site and a church, which occupies the adjacent plot.

Parking

5. The Council's Parking Standards Supplementary Planning Document 2016 (the SPD) sets out that two car parking spaces are required for each two bedroom property. The appeal scheme provides two such dwellings and therefore attracts a requirement for four car parking spaces. It only provides two and therefore falls short of this. The SPD does allow some flexibility in the application of parking requirements where robust evidence demonstrates that this is appropriate.
6. The parking standards were based on 2011 Census information. The Census data shows car ownership levels are lower for smaller properties and that around three quarters of all two-bedroom dwellings within the borough only

have one car. On this basis, the appellant asserts that a lower level of provision would be appropriate.

7. The Census data is based on the number of habitable rooms rather than the number of bedrooms. Whilst I accept that the Census data demonstrates that car ownership in properties with four habitable rooms is just over 30 per cent, this rises significantly to just over 58 per cent for properties with five habitable rooms. Either of these scenarios could apply to a two-bedroom dwelling. The Census data, on its own, is therefore not sufficient evidence to demonstrate that a lower level of parking provision would be appropriate.
8. The appeal site is located close to a range of local shops and services within Crowthorne. These would meet the day-to-day needs of future occupants without reliance on the private car. The site also has access to public transport, including buses and a railway station. The station is some distance from the site at just under 2 kilometres walk, some 20 minutes or more walk from the site. The Council has advised that the bus service is a limited 2 hourly service to Wokingham town centre and a 30 minute peak time service to Camberley becoming less frequent outside peak times.
9. Due to the frequency of these services and the distance to the station, I consider that access to larger settlements and a wider range of facilities by means other than the private car would be possible. Due to the proximity and frequency of these services and the extent of facilities local to the proposed development, I conclude that accessibility, whilst not good, would be reasonable. However, I do not find it would justify a lower level of parking provision.
10. The appellant has suggested that the parking requirement for the appeal site should be the same as for Bracknell Town Centre where the requirement is for an average of 0.9 spaces per dwelling. However, the appeal site is not comparable in terms of its accessibility to Bracknell Town Centre which has a much wider range of services and facilities, a mainline station and numerous bus services.
11. With inadequate car parking provision made on the site, it seems likely that overspill parking would occur. There are parking controls within the surrounding area and a free public car park in New Road, a short distance from the site. However, I observed the car park to be relatively small and, at the time of my site visit, it had no available spaces. This suggests that it would be unlikely to meet parking needs arising from the proposal on a regular basis. No evidence of parking capacity within the surrounding streets has been provided. In the absence of this, I am unable to conclude that there would be capacity locally to accommodate any overspill parking from the proposal.
12. The Council's recently adopted Climate Strategy aims to address the high numbers of people commuting to work by car. The appellant asserts that by providing the level of parking sought by the Council, this would reinforce established patterns of car use. Whilst there is some merit in this argument, there is insufficient evidence before me that a reduced level of parking on a site in this location would result in a behavioural change in future occupants.
13. For these reasons, I find that a reduced amount of parking is not justified and that the scheme would make insufficient provision for parking. Notwithstanding my findings in relation to the required parking provision, I have gone on to

assess whether there would be adequate turning space within the site to accommodate those vehicles accessing the site.

Turning space

14. The SPD advises that a standard parking space is 2.4 metres wide by 4.8 metres long. Manual for Streets (MfS) advises that for a 2.4 metre wide parking bay a width of 6 metres is typically required to access perpendicular spaces such as proposed in the appeal scheme. It also states that these widths can be reduced if the spaces are made wider and that swept-path analysis can be used to assess the effect of oversized spaces on reducing the need for manoeuvring space.
15. The proposed layout shows two parking spaces. A further parking space would be positioned between the proposed development and the existing building in association with an approved scheme¹ for the conversion of the ground floor of Nos 12-14 into a flat.
16. A minimum length of 10.8 metres would be required to provide both the parking space and the turning area beyond. This cannot be achieved within the site. The appellant has suggested that the parking arrangements could be modified to include three spaces with a width of 2.9 metres, drawing on an alternative approach set out within the MfS.
17. The site is relatively narrow and constrained. A swept path analysis has not been provided in relation to either of the parking scenarios proposed. In the absence of this, I am unable to conclude that there would be sufficient space for cars to manoeuvre within the site to enable them to exit the site in forward gear. If vehicles were to reverse, this would increase the risk of conflict between them and pedestrians on Dukes Ride and potentially within the site itself.
18. With limited on-site manoeuvring space, it is not clear that larger vehicles, such as delivery vans, would be able to safely enter and exit the site. If all parking spaces were full, there would be sufficient space for a delivery van to be able to turn in order to exit the site in forward gear. With inadequate space within the site, delivery vehicles would therefore either reverse out of the access or potentially stop on or near the zigzag lines. Neither of these options would be safe in terms of highway safety.
19. I acknowledge that access matters could be made known to delivery companies in advance so they would be aware of the site access constraints. However, I am also mindful that many delivery operations run to tight schedules and in these circumstances, delivery drivers would be unlikely to seek a parking space elsewhere and walk to the property.
20. In view of the constraints of the site, the arrangement of parking and turning within the site is inextricably linked to access. In these circumstances, I do not consider that leaving these matters to a condition would be appropriate.

Access

21. The Council's Highways Guide for Development (Streetscene Supplementary Planning Document Annex 1) sets out that a shared driveway should have a

¹ Council Ref 19/00403/FUL

- width of 4.1 metres with 0.6 metre margins. This is to enable two vehicles to pass at slow speed.
22. The maximum width of the access would be 3.1 metres. However, the parties dispute its minimum width. The local highway authority states it is just 2.3 metres where it meets the back of the footway. The appellant indicates that its minimum width would be 2.76 metres. It is nevertheless common ground that the access would only be wide enough for one vehicle to pass along it at a time.
23. The proposed access would be shared by three households. The access would provide the only way into the properties for all users, including pedestrians and cyclists. A dedicated footpath is not shown on the plans and the width does not lend itself to the provision of this and sufficient space for vehicles. This would increase the risk of conflict between users of the access.
24. The access onto Dukes Ride is located a short distance from a pedestrian crossing and within the zigzags of this area. Since the drive cannot accommodate vehicles travelling in both directions, it would be necessary for a vehicle entering the drive to wait if another vehicle is exiting the site. This would mean stopping within the zigzag area. This could potentially cause other drivers to overtake the waiting vehicle or for vehicles to block the pedestrian crossing whilst waiting. Alternatively, drivers may seek to either reverse back in to or out of the site when meeting another vehicle entering or exiting the site. Both of these scenarios would significantly increase the risk of conflict between users of the highway.
25. The appellant has proposed that access could be controlled by private signals within the driveway to warn vehicles exiting the site that another vehicle is entering the property which would minimise the risk of vehicles waiting on the highway. My attention has been drawn to a recent development at 48 Dukes Ride (No 48)² which provided parking for 31 vehicles where this type of arrangement was found to be acceptable.
26. From the submitted details and my own observations, No 48 has a wide and visible access with space for vehicles to enter the site from the highway before having to wait within the site to gain access to the parking area. This differs from the appeal scheme where it appears that some form of signalling or detector would be required on or very close to the highway. No details have been provided in relation to this, however, it seems that any form of signalling that may be provided on the highway would be likely to cause confusion for users of the highway. I do not consider this would be beneficial to highway safety. For this reason, I do not consider the development at No 48 justifies a signalised arrangement at the appeal site.
27. Based on TRICS data, the number of trips associated with both the appeal proposal and the approved development would be up to 12 two-way vehicle trips per day. This would be a significant intensification of the use of this access compared to the activity associated with the approved single dwelling. Many of these trips would also be likely during peak hours when the roads are busier. This would increase the risk of conflict with other road users.

² Council Ref 15/01082

Visibility

28. For vehicles exiting the site, visibility to the west is restricted by the existing property and to the east by the wall and tree within the grounds of the adjacent property. In these circumstances, emerging vehicles would not have a clear view of pedestrians on the adjacent footway. I have not been provided with a visibility splay to indicate that satisfactory visibility can be achieved.
29. My attention has been drawn to various other properties in the immediate locality with substandard access, inadequate inter-visibility and in close proximity to the junction or the zebra crossing. These have similar or more parking provision than that proposed here. The existence of these accesses does not justify the provision of a sub-standard access here.
30. The increase in cars from multiple households utilising this substandard access and sharing the car parking area would, in my view, increase the risk of conflict between users.

Emergency vehicles access

31. MfS sets out requirements for emergency vehicles based on Building Regulations. It sets out that the minimum access width between kerbs to allow emergency vehicle access should be 3.7 metres. Additional clarification on this point is made within the MfS which states that this width is required as operating space at the scene, and that this could be reduced to 2.75 metres over a short distance to enable a pump appliance to get within 45 metres of the dwelling entrance.
32. The minimum width of the proposed access is a point of dispute between the parties. Based on the Council's assessment it would be too narrow to allow access by emergency vehicles in accordance with Building Regulations. The appellant has indicated that at its narrowest the access would be marginally wider than the minimum width required for emergency vehicle access. In the absence of conclusive evidence in this regard, I am unable to reach a firm conclusion on this point.
33. The Building Regulations recognise that not all fire appliances are standardised and therefore that, in consultation with the local fire and rescue service, other dimensions may be used. The appellant has referred to the Berkshire Fire & Rescue Service (BFRS) using narrower fire appliances, with a width of 2.3 metres. However, I have no evidence of any consultation with BFRS and whether they consider the access to be adequate for the vehicles they use.
34. MfS also sets out that there should be vehicle access for a pump appliance within 45 metres of every dwelling entrance for flats/maisonettes and that a fire service vehicle should not have to reverse more than 20 metres.
35. The parties dispute how far the proposed dwellings would be from the highway. The Council indicates this would be greater than 45 metres, the appellant states they would be 40 metres. The access would nevertheless be longer than 20 metres with inadequate turning space, as I have already set out. This would lead to fire service vehicles having to reverse for a greater distance than 20 metres. This would also involve reversing over the footway with limited visibility.

36. In view of the conflicting evidence in relation to the width of the drive and the distance from the entrance to the flats, it seems to me that the views of the BFRS should have been sought. However, even if the distance from the entrance doors to the highway would be less than 45 metres, it would nonetheless involve a vehicle stopping close to a pedestrian crossing and within the zigzag area. Whilst in the event of an emergency this may be acceptable, it nevertheless could increase the risk of conflicts between road users.
37. I accept that the requirements for access by fire appliances to the proposed development fall under the Building Regulations. I also appreciate that where satisfactory access cannot be provided then alternative methods can be employed, such as the use of a sprinkler system. In such circumstances, it would seem appropriate to have gained the views of the BFRS. I consider that matters of access are intrinsically linked to access for emergency and other service vehicles. It was not therefore unreasonable of the Council to have sought to address these issues in their consideration of access matters for the outline planning application.

Overall findings

38. According to the appellant, personal injury accident (PIA) recordings within the immediate locality of the appeal site have been low, with just two 'slight' PIAs recorded in the past 22 years and no significant road safety issues within the past 62 years. She has suggested that this may be due to the 20 mph speed limit and combination of traffic calming features. Whilst none of this is disputed, it does not justify increasing the intensity of a substandard access in a location where it would increase the risk of conflict between road users.
39. The proposal would make inadequate provision for parking which would lead to overspill parking within the surrounding area. Even on the basis of a reduced level of parking as proposed, it has not been demonstrated that there is adequate space for vehicles to manoeuvre within the site to enable them to exit in forward gear. The scheme would also result in the intensification of the substandard access which would require vehicles to either wait within the zigzags of a pedestrian crossing or to reverse out of the site. Additionally, insufficient pedestrian visibility splays would be provided. Moreover, it has not been demonstrated that satisfactory access for emergency vehicles could be provided.
40. Taking all the above factors into account, this leads me to conclude that the proposed development would lead to an increased risk of conflict between road users which would significantly harm highway safety. It would therefore conflict with saved policy M9 of the Bracknell Forest Borough Local Plan 2002 and Policy CS23 of the Core Strategy Development Plan Document 2008. These policies together seek to increase the safety of travel and ensure development makes satisfactory provision for vehicle parking. It would also conflict with the National Planning Policy Framework which seeks safe and suitable access to the site to be provided for all users and for development to be refused where it would have an unacceptable impact on highway safety. It would also not accord with the SPD as referred to above.

Other Matter

41. The appeal site lies within the 400 metres and 5 kilometres buffer zone of the Thames Basin Heaths Special Protection Area. This is a protected habitats site

and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.

42. The Council has determined that additional residential development would, in combination with other plans and projects, be likely to have a significant effect on the integrity of the protected sites through increased recreational pressures. In these circumstances, the Council considers that appropriate mitigation would be required. This is set out in the adopted Thames Basin Heaths Special Protection Area Supplementary Planning Document. This requires relevant developments to make a contribution towards the provision of Suitable Alternative Natural Green Space along with financial contributions to Strategic Access Management and Monitoring in order to mitigate the impact of development.
43. The appellant has indicated that she will enter into a planning obligation either through a Unilateral Undertaking or a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the required contributions to mitigate the adverse effects of the proposal. However, no such planning obligation has been provided in connection with this appeal. Had I been minded to allow the appeal, I would have sought further information. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

Conclusion

44. The proposal would conflict with the development plan overall, and there are no material considerations that would cause me to determine this appeal other than in accordance with the development plan for the area. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR