



Appeal Decision

Site visit made on 7 February 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15TH February 2022

Appeal Ref: APP/C1435/W/21/3277637

Granary Cottage, Framfield Road, Blackboys TN22 5LR

- 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 Marks against the decision of Wealden District Council.
 - The application Ref WD/2018/1759/F, dated 24 July 2018, was refused by notice dated 18 May 2021.
 - The development proposed is the construction of a new 2-bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the application, the proposal was amended from a 3-bed, 2-storey dwelling with garage and adjoining carport to a 2-bed dwelling, mainly single-storey with some accommodation in the roof space, and no garage or car port. It is this revised scheme on which the Council reached its decision, and which I have considered for the purposes of the appeal. I have amended the description of the development to that used by the Council on its decision notice in the interests of accuracy.

Main Issue

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

Reasons

4. The appeal proposal would be served by the existing driveway to Granary Cottage, which gains access onto the B2102 Framfield Road at the front of the site. The road has a speed limit of 50mph at this point. A speed survey found 85th percentile speeds to be 45mph westbound and 49mph eastbound. Based on the guidance in Design Manual for Roads and Bridges, the minimum visibility splays required would be 2.4m x 123m to the east and 2.4m x 142m to the west.
5. The existing access has visibility splays onto the road of 2.4m x 18m to the east and 2.4m x 16m to the west. These are significantly more restricted than those recommended based on the speed of traffic using the road. Vehicles exiting the site would therefore have limited visibility of oncoming traffic and vice versa, with a consequent risk of collision or the need for sudden avoidance manoeuvres by both themselves and other road users. This would be to the detriment of highway safety.

6. The appellant's highway consultant notes that there is no record of traffic accidents in the vicinity of the site, suggests that a degree of flexibility should be used in measuring visibility, that visibility could be increased by cutting back adjoining vegetation, and that the number of vehicle movements associated with a 2-bed dwelling would be small.
7. Even adopting a more flexible approach to measuring visibility, for example reducing the x-distance to 2.0m, would still result in significantly restricted visibility. Visibility to either side of the access is limited by hedging along the frontages of neighbouring properties, and which is therefore outside the control of the appellant. The number of vehicle movements associated with a new dwelling, estimated to be between 4-6 per day by the Highway Authority and a maximum of 5 per day by the appellant's highway consultant, would still materially increase vehicle movements from the access. While there may not be a history of accidents at this point, that is not sufficient reason to allow the materially increased use of what is a substandard access point.
8. The access narrows to 3.7m at a gate, which would prevent the simultaneous ingress and egress of vehicles. However, the Highway Authority recognises that the access could be widened at this point and accepts that this shortcoming could be overcome, which could be achieved by the use of a condition.
9. I conclude that the restricted visibility from the access proposed to serve the new dwelling would give rise to an unacceptably adverse impact on highway safety. The proposal would therefore conflict with saved Policy TR3 of the Wealden Local Plan 1998 which requires that new development does not create unacceptable traffic conditions and that means of access are provided to meet Local Planning and Highway Authority standards. Although now dated, Policy TR3 remains consistent with paragraph 111 of the National Planning Policy Framework (the 'Framework'), which notes that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
10. The Council also refers to Policies SPO7, WCS6 and WCS14 of the Wealden District Core Strategy Local Plan 2013 in its refusal reason. I do not consider these are directly relevant to the issue of highway safety and therefore give them limited weight.

Other Matters

11. Concern has been expressed on behalf of a neighbour on the impact of the development on the setting of Old Mill House, a grade II listed building, that adjoins the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving the listed building or its setting. The significance of Old Mill House lies in its architectural and historic interest as a Wealden hall house with subsequent modifications. While its setting may originally have been agricultural in nature, it now forms part of a small group of houses on the northern side of Framfield Road.
12. The proposed dwelling would replace an existing domestic garage on the same part of the site and would be of a similar height. The Council raises no objection to the proposal on heritage grounds. Although the proposed dwelling would have a larger footprint than the existing garage and have single storey elements to the rear and side, given the similarities between the two I consider

that it would not have a harmful impact on the setting of Old Mill House, and would not therefore detract from its historic interest.

13. Concern has also been raised in a number of representations, including from those adjoining the site, at the impact on their living conditions by reason of loss of privacy and dominance. While I acknowledge the increased size of the proposed dwelling when compared to the existing garage, I consider that it would not be overbearing or so dominant as to cause harm. Boundary fencing or hedging would prevent overlooking from ground floor windows or the loss of privacy from the use of its curtilage as garden. The first floor windows, where positioned with a view towards neighbouring properties, could be conditioned to be obscured glazed. For these reasons, I consider that there would not be any material loss of privacy.

Conclusion

14. The Council acknowledges that it cannot demonstrate a 5 year supply of housing land. In such circumstances, for proposals involving the provision of housing, paragraph 11d) of the Framework says that permission should be granted unless, amongst other criteria, any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Highway safety is an important matter, not only for future occupiers of the development but also other road users. I consider the harm that would be caused to highway safety would significantly and demonstrably outweigh the benefit of providing an additional dwelling in this case.
15. The development would conflict with saved Policy TR3 of the Wealden Local Plan 1998 because of the unacceptable impact on highway safety. Notwithstanding the other aspects of the scheme which are acceptable or have been amended to become so, I conclude that the proposal would conflict with the development plan when taken as a whole. There are no material considerations which indicate otherwise.
16. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR