



Appeal Decision

Site visit made on 4 January 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 7th March 2022

Appeal Ref: APP/M2325/W/21/3279887

70 Hornby Drive, Newton with Clifton, Preston, PR4 3SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Timothy Rayton against Fylde Borough Council.
 - The application Ref 20/0965, is dated 24 December 2020.
 - The development proposed is development of detached bungalow with integral garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal follows the Council's failure to determine the planning application within the prescribed time limits. In its evidence, the Council states that if it had determined the application, it would have refused it.
3. In December 2021, the Council adopted the Fylde Local Plan to 2032 (incorporating Partial Review) (the LP). Therefore, it is the development plan for the appeal. The parties have been provided with the opportunity to comment on the implications of the adopted LP for their cases and I have taken any comments into account accordingly.

Main Issues

4. Therefore, on the basis of the evidence before me, the main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether or not a safe and suitable access would be provided; and
 - iii) Whether the proposal would provide an adequate standard of living conditions for future residential occupiers.

Reasons

Character and appearance

5. The appeal site is formed by the subdivision of the rear garden of No 70, which is a 2 storey detached dwelling in a residential area. It is at the end of a row of single storey semi-detached dwellings similarly set back from Hornby Drive and set in long narrow plots that extend northwards to the A583 Blackpool Road. The townscape has a mixed character and appearance as a result of the variety of ages, styles and sizes of properties and their varied siting and plot sizes. The A583 runs immediately to the north of Clifton Village, and with largely open

countryside on its opposite side. As it passes the appeal site, the A583 is in a verdant setting of hedgerows and mature tree canopies.

6. The proposal would be a large single storey dwelling with a pitched roof and protruding front and rear gables. It would be set back from the A583 behind a hardstanding car parking and manoeuvring area and it would have a private outdoor space to the rear. A section of roadside hedgerow and several trees would be removed to create the highway and internal vehicular access.
7. There are several properties accessed from the A583 between the appeal site and the traffic controlled junction with Bryning Lane. These are set back in substantial grounds, in contrast to the proposal which would be nearly the full width of the plot and more prominently sited closer to the road. The prevailing character of Hornby Road, which the proposal would sit behind, is one of relatively modest, closely spaced and densely developed dwellings. Consequently, and irrespective that the appeal site could accommodate the density of development, by virtue of its size, siting and its layout, the proposal would not be well related to the surrounding built environment.
8. The removal of roadside hedgerow and trees to create the frontage and access would interrupt and it would detract from the leafy tree-lined setting of the A583. The dwelling, although single storey, would be wide feature that would be conspicuous behind the extensive hardstanding car parking. The removal of the vegetation screening along the road would allow views of the proposal and the townscape beyond, contributing to an urbanising effect in this location. Taking into account the layout and arrangement of outdoor space and the tall close-boarded boundary treatments, there is little to suggest any adequate replacement planting to mitigate the visual impact.
9. Therefore, I conclude that the proposal would harm the semi-rural character and appearance of the area. It would conflict with Policies GD7, H2 and ENV1 of the LP. These require, among other things, that development makes a positive contribution to local character and distinctiveness, relating well to the surrounding context, and that it conserves existing landscape features or provides suitable replacement planting. It would conflict with the aims of the National Planning Policy Framework (the Framework) in relation to being sympathetic to the built environment and landscape setting, including trees.

The provision of a safe and suitable access

10. The proposal would be served by a new highway access from the A583. This is a busy strategic route with 4 lanes. It carries a high volume of traffic and the speed limit of 50mph is protected by average speed cameras. Although there have been no reported traffic incidents near the proposed access, there have been collisions elsewhere including around the traffic signals with Bryning Lane, the nearby public house car park access and the junction with School Lane.
11. On the basis of the local evidence, including the accidents at uncontrolled junctions, the Highway Authority considers that a minimum visibility splay of 2.0 x 124m would be required. The Visibility Splays plan illustrates the required sight lines, but these are apparently not achievable within the appeal site boundary. It has not been demonstrated that it would be appropriate or achievable to fell the mature tree in the highway verge that obstructs sightlines or that the appellants could maintain other structures and features that are in

the visibility splays but on land outside their control at a maximum height of 1m. The proposal fails to demonstrate a safe and suitable highway access.

12. Vehicles entering or exiting the westbound carriageway would be at risk from road users who may be manoeuvring between lanes and who would be concentrating on the approach to the traffic controlled junction. Vehicles turning right into the access would be travelling slowly or stopped in the faster of the 2 lanes exiting the junction, while they waited for a gap in traffic to turn across the 2 westbound lanes. Vehicles joining the eastbound carriageway from the access would need to cross the 2 westbound lanes and merge into the faster outside and accelerating eastbound lane. Taking into account the volume and speed of traffic, constraints to visibility, the 4 lanes and the nearby junction, vehicle movements in and around the proposed access would significantly increase the risk of road user collisions and congestion.
13. I note the suggestion that the visibility splay requirement should be relaxed, with reference to the Manual for Streets 2¹. This guidance is intended to apply to streets that are not part of the strategic road network, with 85th percentile speeds up to 37mph. Therefore, it may not be directly applicable to the A583, which is a strategic route with a 2019 85th percentile speed of 42-46mph measured roughly 1km to the east and that has no physical barriers between lanes. In the absence of site-specific evidence in the form of a traffic survey, there is little compelling justification to reduce the required visibility splays.
14. Therefore, I conclude that the proposal would fail to provide a safe and suitable access and it would harm the safe operation of the highway. It would conflict with LP Policy GD7 which requires, among other things, that proposal do not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users. It would also conflict with the highway access and safety aims of the Framework.

Living conditions

15. The proposal would significantly reduce the size of the rear garden private outdoor space of No 70. However, the remaining area would be comparable in size to plots elsewhere in the wider townscape and it would provide an adequate extent of private outdoor space for No 70. The proposal would not result in overlooking or loss of privacy to neighbouring residential occupiers.
16. The large size of the dwelling and its siting towards the rear of the plot would result in a relatively small and constrained area of private outdoor space for future occupiers. Nevertheless, while the rear garden would be small for the size of the dwelling, it would provide a useable area of outdoor space. The rear garden and the habitable room windows would be overlooked from the first floor windows of No 70, but the separation distance is sufficient that this would not harm the privacy of future occupiers. There would be no closer overlooking from the high window in the roof space of the neighbouring property Beechfield, as this is angled away from the appeal site. Beechfield would cast shade over part of the rear garden later in the day but, taking into account its size and orientation, this would not be significantly detrimental to the future occupiers in their garden.

¹ The Chartered Institution of Highways & Transportation, 2010

17. Therefore, I conclude that the proposal would provide an adequate standard of living conditions for future residential occupiers. It would not conflict with the residential amenity aims of LP policies GD7 and H2.

Other Matters

18. The tree in the highway verge that would be removed to facilitate the visibility splay is a mature ash covered with ivy. Neither party has referred to potential impacts on biodiversity and it has not been demonstrated that impacts on protected species such as bats would be avoided. Notwithstanding my legal duties in this regard, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further.
19. The proposal would be a self-build and custom build dwelling which the appellants intend to occupy. I accept that the ground floor accommodation may better suit their future needs. However, the design of the dwelling does not appear to include adaptations to meet any specialist needs. It has not been demonstrated that there are no alternatives that would provide similar benefits. On the basis of the evidence, the appellants' desire to build their own home and their personal circumstances carry little weight in favour of the proposal. One new dwelling would make a negligible contribution to the government's objective of significantly boosting the supply of housing.

Conclusion

20. For the reasons set out above, the proposal would provide an adequate standard of living conditions for future residential occupiers. However, it would result in moderate harm to the character and appearance of the area. It would fail to provide a safe and suitable access and it would harm the safe operation of the highway. It would conflict with the policies in the development plan and there are no material considerations, including the appellants' personal circumstances, that would outweigh that conflict.
21. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR