



Appeal Decision

Site visit made on 3 May 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/P1615/W/22/3290194

Land at Lansdown Road, Bream, Lydney, Gloucester GL15 6NE

- 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 Mrs Joan Davis against the decision of Forest of Dean District Council.
 - The application Ref P1227/21/FUL, dated 30 April 2021, was refused by notice dated 10 September 2021.
 - The development proposed is the erection of a detached dwelling, amended access.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached dwelling, amended access at Land at Lansdown Road, Bream, Lydney, Gloucester GL15 6NE in accordance with the terms of the application, Ref P1227/21/FUL, dated 30 April 2021, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mrs Joan Davis against Forest of Dean District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. As part of their appeal, the appellant submitted an amended Proposed Site Plan (Drawing No 100 Rev B). This did not alter the layout of the scheme but included a suggested position and width of a cyclist. However, it refers to a different visibility splay length in that direction to the plans that were before the Council and upon which notification took place.
4. In the interest of clarity and to avoid prejudice to parties who may not be aware of the revised plan, I have based my decision on the plans referred to on the decision notice.
5. While Lansdown Walk is referred to on certain plans and documents, Lansdown Road is given as the address on the application and appeal forms, as well as on the Council's decision notice and notification letters. I have therefore used Lansdown Road in my decision.

Main Issue

6. The main issue of the appeal is the effect of the proposed development on highway safety, with particular regard to sight lines.

Reasons

7. From the evidence before me I see no reason to reach a different finding to the Inspector¹ who dealt with the previous appeal at the site in stating that despite there being a gate and garage at the site, the proposed dwelling would likely result in an intensified use of the site. However, given the scale of the scheme the increase in traffic generation would be small.
8. Considering the size of the dwelling and the accessibility of services and facilities to the site, I have no concerns over the parking provision. Sufficient space is provided within the site for turning so that a vehicle leaving the site could do so in a forward gear.
9. While the vehicle count is of some age, there is no substantial evidence before me to demonstrate that the circumstances such as road conditions or traffic flows have altered to an extent to make them no longer representative. In the absence of detailed evidence to the contrary of the TA², as well as my own observations at my visit, as with the previous Inspector, Lansdown Walk is lightly trafficked with low speeds being common.
10. As such, a setback of 2m, from the edge of the carriageway where vehicles would be travelling, is sufficient. This also provides sufficient visibility for vehicles and pedestrians to see each other.
11. There are numerous access points along the road to the front of the site and a junction close to the proposed access. Several of these have comparable, or less visibility at the same set back as the proposed scheme due to boundary treatments that often restrict sight lines. Therefore, the presence of vehicles emerging, where visibility is somewhat limited, would not be unexpected. The road also varies in width. The information before me does not indicate any significant history of accidents at the appeal site or along this part of the road despite there being restricted visibility in places.
12. Road users, including bicyclists/motor cyclists, would be likely to take into account the above factors, which includes the presence of frequent existing access points and a junction, in their positioning in the carriageway and speeds. Furthermore, the gradient of the road on the uphill approach to the site would be likely to reduce speeds. At my visit, which I appreciate is only a snapshot in time, I saw pedestrians walking relatively centrally in the carriageway rather than along or near the verge.
13. Although the documents such as the British Cycling Association Advice on Road Positioning and Department of Transport Cycle Infrastructure Design Local Transport Note are not adopted planning policy, they provide a useful guide as to the likely position of a cyclist. The varying width and gradient of the road either side of the appeal site would reduce the likelihood of cyclists travelling very close to the verge and their speeds. Consequently, at a point 1m set back from the verge, part of the cycle/cyclist would be seen by drivers emerging from the proposed access and vice versa. This would allow sufficient time to stop.
14. Views over the low-level wall to the front of Rowan House currently exist. Even if the wall were increased in height, or another feature introduced, as a result

¹ APP/P1615/W/20/3244241

² Transportation Planning, Highway Design and Environmental Assessment

of the road and traffic conditions and direction of traffic, sufficient sight lines would still be achieved before the centre of the carriageway, and it is unlikely that vehicles would be driving on the wrong side of the road on the approach to the site. The frequent access points with similar sight lines, width of the carriageway and lack of separate pedestrian facilities would be reflected in vehicle speeds and road users would be cautious.

15. A plan showing the extent of the highway has not been disputed by the Council and there is no other clear evidence to the contrary. As such, while not within the application site, there has been no clear case that an obstruction could be introduced into the area in front of the wall. Given the characteristics of the road, speeds and traffic flows, there would be sufficient time for road users to see each other and adjust their speeds accordingly.
16. Manual for Streets 2 states that unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem. The Highways Development Management response raises no objection to the splays shown on the Proposed Site Plan (Drawing 100 Rev A) where they are measured within the carriageway, rather than at its near edge. Based on the evidence presented and the individual characteristics of the scheme and context of the site, subject to conditions, I have reached the same conclusion.
17. While electric vehicles are generally quieter, the sight lines are based on visual recognition of road users. The width of the verge varies along the road either side of the site, narrowing the carriageway in places, and this may well have changed over time. However, I have made my assessment based on the conditions I saw at my visit and from the evidence presented.
18. Therefore, the proposed development would not harm highway safety with regard to sight lines. The scheme would accord with Policy AP.4 of the Allocations Plan where it seeks a safe and accessible environment. While there would be a technical breach of Manual for Gloucestershire Streets where it seeks a 2.4m setback, it would accord with its objective to ensure that safe and suitable access to the site can be achieved for all users.
19. The proposal would accord with the National Planning Policy Framework where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. Although Policy CSP.1 of the Core Strategy and Policy AP.1 of the Allocation Plan are referred to in the decision notice, these do not relate to highway safety and therefore weigh neither for nor against the appeal scheme.

Other Matters

21. The potential for sheep to enter the site is not a matter that would significantly impact on the living conditions of existing or future occupiers. A cattle grid is not shown on the plans and therefore not part of my consideration of the scheme.
22. Ownership Certificate A was submitted with the application and appeal forms declaring that nobody, except the applicant/appellant was the owner of any part of the land with which the application/appeal relates. No substantive evidence has been provided to the contrary. Ownership issues are a private

matter between the relevant parties, as would damage to property during construction be, and planning permission would not override any such rights.

23. While some elements of nearby properties may not be shown on the submitted plans, I observed the surrounding built form at my site visit. Some element of overlooking is expected and already occurs at the surrounding properties given their orientation and position. Due to the angle of windows, separation distances, boundary treatments, and landscaping that form part of the conditions to be imposed, sufficient levels of privacy would be maintained for the occupants of existing dwellings and secured for the proposed one even in winter.
24. The outdoor space for properties in the area varies and includes ones of a similar size to what would be provided for the proposed dwelling and there would be sufficient indoor space for the 1-bedroom property.
25. An appeal at Cinderford has been put before me. Nonetheless, this relates to an outline scheme where the main issue was living conditions of future occupiers. Therefore, it is not directly comparable to the one before me.
26. I have reached a different decision to the previous Inspector. Notwithstanding this, additional information has been put before me with regard to highways matters, including justification for the setting in of sight lines and the extent of highway land that was not before them.

Conditions

27. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
28. To protect the character and appearance of the area and the living conditions of adjacent properties a condition regarding landscaping and boundary treatments is imposed. As this may affect the initial works these details are necessary before commencement. To ensure satisfactory drainage is provided and reduce risks from flooding, conditions are imposed requiring details of the foul and surface water systems.
29. In the interest of highway safety conditions requiring the provision of parking and turning areas, as well as visibility splays are imposed. As visibility splays would be needed for any construction traffic using the site, these are needed prior to the commencement of the development.
30. Provision of electric charging points and a cycle store are necessary to support sustainable transport options. Finally, a condition securing biodiversity enhancements is required to ensure net gain.

Conclusion

31. For the reasons given, and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions in the schedule below.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 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: Site Plan Drawing No 20/19/02, Proposed Elevations Drawing No 20/19/03, Proposed Floor Plan Drawing No 20/19/04, Existing Site Plan Drawing No 001 Rev A, Proposed Site Plan Drawing No 100 Rev A, Existing Layout Topographical Survey with Contours Drawing N0 MG1692_S2; and 1:1250 scale Site Plan.
- 3) No development shall commence until visibility splays are provided in accordance with Proposed Site Plan Drawing No 100 Rev A. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility as shown on the approved plan.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a. planting plans (at not less than a scale of 1:100),
 - b. written specification of planting and cultivation works to be undertaken,
 - c. schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
 - d. earthworks showing existing and proposed finished levels or contours.
 - e. boundary treatment; and
 - f. an implementation programme,

The landscaping works shall be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The dwelling hereby permitted shall not be occupied until cycle storage facilities have been erected in accordance with details that have first been submitted to and agreed in writing by the local planning authority. They shall be retained thereafter and not used for any other purpose.
- 6) The dwelling hereby permitted shall not be occupied until works for the disposal of sewage has been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) The dwelling hereby permitted shall not be occupied until a biodiversity enhancement scheme has been implemented in accordance with a scheme that shall have first been submitted to and approved in writing by the local planning authority. Thereafter, any features shall be maintained on-site for perpetuity.
- 8) The dwelling hereby permitted shall not be occupied until:

- a. the vehicular access shall have been laid out and constructed in accordance with Proposed Site Plan Drawing No 100 Rev A with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound permeable material and shall be retained thereafter, and
 - b. the car/vehicle parking area (and turning space) in accordance with Proposed Site Plan Drawing No 100 Rev A shall have been fully implemented and completed ready for use. Thereafter, the area shall be kept free of obstruction and available for the parking of vehicles.
- 9) The dwelling hereby permitted shall not be occupied until a fully operational electric vehicle charging point has been fitted within the curtilage of the property in accordance with the following requirements:
 - a. comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 (as amended):
 - b. have a minimum rated output of not less than 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
 - c. be fitted with a universal socket (known as an untethered electric vehicle charge point); and
 - d. be fitted with a charging equipment status indicator using lights, LEDs or display.

The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.
- 10) The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. include a timetable for its implementation; and,
 - c. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.