



Appeal Decision

Site visit made on 1 August 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2022

Appeal Ref: APP/J3720/W/21/3287349

147 Earlswood Common, Earlswood, B94 5SH

- 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 M Paul against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01251/FUL, dated 26 March 2021, was refused by notice dated 21 September 2021.
 - The development proposed is to build two dwellings (3/4 Bedrooms) on the large garden with garages parking areas and new landscape.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development makes reference to 3/4 bedroom dwellings. There is a dispute between parties about the plans used in determining the application and whether they demonstrate three- or four-bedroom dwellings. From the correspondence accompanying the appeal, it is clear that amended plans were submitted by the appellant reducing the bedroom numbers to three. Comments from the Council and consultees were then made on these amendments. As such, it appears that the amended plans were accepted by the Council. I have therefore determined the appeal based on the amended plans detailing two three-bedroom dwellings.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to access and parking provision.

Reasons

4. The appeal site comprises a detached dwelling located on a large plot. The dwelling is located to the rear of properties that line the B4102 and Springbrook Lane. The B4102 runs from Wood End, to the south of the site, into Birmingham to the north. Access is provided via an existing shared access lane off the B4102 that also provides access to another dwelling. The access is located on a fairly straight section of road. The access lane is narrow and finished with gravel.
5. At the time of my visit a number of cars passed the site from both directions along the B4102. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at peak hours

- when traffic is at its heaviest i.e. in the mornings and evenings when most people commute or when children at the nearby nursery are collected.
6. The existing access from the B4102 currently serves two properties, 147 and 145 Earlswood Common. The access is narrow, with the appellants evidence noting it being 3.95 metres wide at its junction with the B4102 reducing to 3.7 metres further along the lane. As such, two vehicles would not be able to pass and there are no opportunities to widen the access.
 7. The proposed development of two dwellings would increase the vehicular movements along the lane and generate demand for some larger vehicles, including delivery vehicles and emergency services. Whilst the appellant has advised that they are not aware of any conflict between vehicles using the access, I am not convinced that the length and narrow width of the access would not create day-to-day difficulties for future occupants.
 8. The access already serves two properties, and the proposed development would double the number of dwellings it serves. Whilst the lane is straight and oncoming vehicles may be visible, access for these additional dwellings would increase the opportunity of conflict on the access lane and would in turn likely lead to vehicles waiting in the highway or reversing on to the highway. Waiting and reversing vehicles would cause an obstruction, restricting the movement of vehicles within the site and on the B4102 and therefore causing a conflict between vehicles which would be harmful to highway safety.
 9. Part O of the Stratford-on-Avon Development Requirements Supplementary Planning Document (2019) (SPD) provides parking standards for different types of development. It states that for a three-bedroom dwelling that two parking spaces be provided with 0.2 spaces allocated for visitors. As such, the proposed development would need to provide four spaces, rounded down in line with the SPD. Whilst measurements for parking spaces were not provided on the original drawings it is clear from the submitted plans and technical notes that there is sufficient space provided for the parking and turning of two vehicles per dwelling.
 10. Whilst the proposal would not harm highway safety due to its parking arrangements, it would have a harmful effect on highway safety due to the substandard access lane. The proposal would therefore be contrary to Policy CS.26 of the Stratford-on-Avon District Core Strategy (2016) (CS) and the guidance contained within the SPD which seek, amongst other things, to ensure that development does not create unacceptable transport impacts and they are appropriate for the standard of roads serving the area. The proposal also conflicts with paragraph 111 of the National Planning Policy Framework (Framework) which seeks to ensure that development does not have an unacceptable impact on highway safety.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR