



Appeal Decision

Site visit made on 15 November 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2022

Appeal Ref: APP/P0240/D/22/3290225

Autumn Cottage 100 Flitwick Road, Maulden, Bedfordshire MK45 2BH

- 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 George Hadley against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03439/FUL, dated 15 July 2021, was refused by notice dated 19 October 2021.
 - The development proposed is erection of gates and railings supported by brick pillars to front of property. Low level 2W LED up/down lighting fitted to central pillars for security reasons.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was described as 'retrospective' and the Council considered it as such. On the application form the appellant confirms that at the time of submitting the application the work had been completed. However, I cannot be certain that the development which has taken place reflects that indicated on the submitted plans and details. Therefore, this appeal is considered as a scheme for proposed development.
3. The formation of the vehicular accesses to the property do not form part of the description of development. Nor were they considered as part of the planning application. They are not therefore considered as part of this appeal decision.
4. This appeal has been determined based upon the proposal and plans determined under application reference CB/21/03439/ful. No amended plans or proposals have been put forward for consideration as part of this appeal.
5. No certificate of lawfulness or other compelling evidence has been presented demonstrating that the development subject of this appeal has been previously authorised or are lawful.
6. Matters related to land ownership and control are outside of the scope of this appeal, as they should be considered under legislation dealing with private legal rights regarding land ownership.

Main Issue

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

Reasons

8. The appeal site comprises a detached dwelling house and its gardens in an open countryside location. It is directly adjacent to a relatively long, straight and flat section of Flitwick Road. There is no pedestrian footway adjacent to the carriageway on either side of the road. A vehicular access between Reeley Farm and Flitwick Road is located adjacent to the appeal site.
9. Policy T2 of the Central Bedfordshire Local Plan 2015-2035 - July 2021 (the Local Plan) indicates that proposals for new development must not have a detrimental effect on highway safety. One of the requirements of this policy is that the proposal does not impede the free flow of traffic on the existing network or create hazards to that traffic and other road users.
10. No evidence has been provided regarding the actual speeds of vehicles travelling along Flitwick Road adjacent to the appeal site. However, there is good forward visibility along this stretch of road, which is currently subject of a 60mph speed limit. Based on my observations on site, I found vehicles to be travelling relatively fast past the appeal site.
11. Whether or not the carriageway on Flitwick Road has been widened in recent years, when exiting the appeal site in a private vehicle, visibility in both directions along Flitwick Road would be severely obstructed by the pillars, gates and railings subject of this appeal. This is due to both the height and location of the proposed development close to the carriageway edge. Visibility for drivers of private vehicles exiting Reeley Farm towards New Road would be similarly obstructed by the development.
12. Notwithstanding any weight restrictions on the road, and even if there have been no collisions or incidents to date, the proposed development would cause significant risk to the safety of those travelling along the highway and those exiting both Reeley Farm and the appeal site. This is due to the speed of vehicles travelling past the site combined with the limited visibility that would be available when exiting both the appeal site and Reeley Farm on to Flitwick Road. Substantial weight is accorded to this harm.
13. The width of the proposed gates is greater than the minimum access width set out within section 4.6 of the Central Bedfordshire Council Highway Construction Standards and Specifications guidance document. This would make them easier to turn into from Flitwick Road than a narrower gate. However, while the occupiers of the house may be able to remotely open the gates prior to either their or their planned visitors arrivals, there would be a delay in the opening of the gates for unplanned delivery drivers and visitors. In the event that the gates are closed, those who are unfamiliar with the site and the possibility of pulling up within the shared Reeley Farm access and who were not expected, would be likely to stop within the carriageway in order to secure entry into the property. This would obstruct the free flow of traffic along Flitwick Road and create a road safety hazard which would be detrimental to highway safety. I attach substantial weight to this harm.
14. The gates and railings would act as a safety barrier for users of the outside spaces within the appeal site. They would also introduce a barrier, making it safer for users of the site and visitors who may include children and those with disabilities to access and exit their vehicles when within the appeal site. It would be advantageous in terms of highway safety to have a barrier between

the parking area and the highway, and I accord moderate weight to such benefit. However, the previously identified substantial harms which would be caused to highway safety as a result of the proposed development would outweigh this benefit.

15. My site visit took place whilst it was raining and following a 12-hour period during which there had been a fairly significant amount of rainfall. Although a snap-shot in time, there was no evidence of surface water pooling on the road to the front of the site. Furthermore, given the nature of the development proposals which are for gates, fencing and pillars, rather than for the formation of the vehicle accesses, it has not been adequately demonstrated that the proposed development would lead to an increase in surface water onto the highway. Nor, given that the development subject of this appeal does not include the surfacing of the driveway, can I conclude that the development proposals would result in the deposition of gravel on to the highway.
16. The appeal site is several hundred metres from the closest settlement. Given the speeds of vehicles travelling along the road, and the absence of pavements or lighting, I find Flitwick Road to be an unattractive route for pedestrians. No compelling evidence has been supplied to the contrary, or regarding actual level of use by pedestrians. Therefore, even if the development proposals would cause obstruction of a section of the verge adjacent to the highway, it has not been adequately demonstrated that such an obstruction would be harmful to pedestrian safety.
17. Although the lighting currently erected on the pillars adjacent to the road may cause hazardous dazzle and glare to drivers, the proposed development is for low level up/down lighting. Such fixtures would ordinarily direct light upwards and downwards rather than outwards, thereby preventing hazardous glare for drivers along Flitwick Road. Whilst the specification of the proposed light fixtures has not been supplied, had this appeal been allowed, it would have been appropriate to attach a condition, requiring that details of the up/down lighting be supplied to and approved in writing by the Council and that the approved scheme be implemented.
18. No conclusive evidence has been provided demonstrating that the development proposals would lead to a betterment to highway safety.
19. For the afore mentioned reasons the proposed development would have a harmful effect on safety within the highway. Consequently, it would conflict with Policy T2 of the Local Plan which seeks to prevent development which would have a detrimental impact on highway safety. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

Conclusion

20. For the reasons given above, this appeal is dismissed.

V Simpson

INSPECTOR