
Appeal Decision

Site visit made on 20 April 2023

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/K1128/D/23/3316278

Linden Lea, Church Park, Newton Ferrers, Plymouth, PL8 1AJ

- 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 Nuthatch (SNS) Investments Ltd against the decision of South Hams District Council.
 - The application Ref 3401/22/HHO, dated 28 September 2022, was refused by notice dated 6 December 2022.
 - The development proposed is the removal of part stone boundary wall & installation of vehicle gate & parking area with onsite turning space.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of part stone boundary wall & installation of vehicle gate & parking area with onsite turning space at Linden Lea, Church Park, Newton Ferrers, Plymouth, PL8 1AJ in accordance with the terms of the application, Ref 3401/22/HHO, dated 28 September 2022, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Technical note proposed access, '226721_PD01_AT01 A' Swept Path Analysis, '226721_PD01 A' Visibility Assessment, and Proposed Off Road Parking 4043.

Costs

2. An application for costs has been made by the Appellant against the Council. This application is the subject of a separate decision.

Main Issue

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

Reasons

Highway safety

4. The appeal site includes a single, detached two storey dwelling with gardens to the front and rear well within the confines of the village. The site is pedestrian accessed from the B3186 Yealm Road to the north, with vehicular access and garaging sited on the southern boundary of the site with Church Park. Yealm
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Road has a variety of local vehicular access points, has informal parking on its northern side abutting an historic church, and has a gradient and relatively sharp curve down into the heart of the village to the immediate west of the site. The proposal is to remove part of the Yealm Road stone boundary wall to create a 4m wide vehicle access, introducing a parking area and turning area within the garden.

5. The Council is concerned on the issue of highway safety for all users of the road as the proposed development would represent an access with inadequate visibility from and of emerging vehicles.
6. However, my assessment of the road situation here is that drivers, cyclists and pedestrians will proceed along this section of highway with caution, awareness of the prospect of local egress and access, slow speeds, and in all likelihood be some distance out from the southern side and its stone walling. The road is narrow, has no footway, is parked, offers limited forward visibility, approached from one direction via a steep rise, and clearly set within an historic and scenic village. All characterises of this road point to a user instinctively having heightened awareness and proceeding at careful pace. I also note the lack of accidents recorded.
7. Both principal parties recognise that full visibility standards one might seek to achieve in a text book situation simply cannot occur here. In my opinion it would be harsh to not allow a degree of flexibility when one considers the individual circumstances of this stretch of road and the established movement patterns thereon. I am satisfied that the Appellant's scheme would not push this flexibility too far with its planned arrangements on visibility and turning provision; highway safety would not be unreasonably prejudiced by the appeal proposal.
8. As an aside there would be merit in providing additional on-site parking for this house bearing in mind the difficult on-road parking situation in this village.
9. DEV29 (1, 2, 3) of the Plymouth and South West Devon Joint Local Plan and Policies N3P-1c and N3P-5a of the Newton and Noss Neighbourhood Plan (NP) have relevance to the case. Taken together, and amongst other matters, they seek to ensure that a safe transport system prevails, with suitable access and parking arrangements, and, in the NP, an aim to prevent pressure on on-road parking in the village. On general matters this is reflected in the advice and objectives of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD) albeit this document cannot be expected by way of detailed example or statement to cover every eventuality and is *guidance*.
10. I conclude that the proposal would not conflict with the relevant development plan policies and the pertinent aims of the SPD.

Conditions

11. The standard commencement condition should be applied and I agree with the Council that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on highway safety. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR