



Appeal Decision

Site visit made on 11 October 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2023

Appeal Ref: APP/P1805/W/23/3321638

5 Church Road, Belbroughton, Worcestershire DY9 9TE

- 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 Steven Clarke against the decision of Bromsgrove District Council.
 - The application Ref 22/00961/FUL, dated 8 July 2022, was refused by notice dated 9 March 2023.
 - The development proposed is alterations to front boundary to create off street parking, off street bin storage and provision of EV charging point.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to front boundary to create off street parking, off street bin storage and provision of EV charging point at 5 Church Road, Belbroughton, Worcestershire DY9 9TE in accordance with the terms of the application, Ref 22/00961/FUL, dated 8 July 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Steven Clarke against Bromsgrove District Council, and that is the subject of a separate decision.

Preliminary Matters

3. The planning application the subject of this appeal (22/00961/FUL) was refused in March 2023 by the Council for one reason relating to highway safety. The decision was made following an objection from the Local Highway Authority (LHA), which raised concerns with regard to the provisions of acceptable visibility splays and additional vehicle trips onto the highway. However, since the application was refused, the appellant's statement of case, together with the Transport Statement (April 2023) (TS), showed that the visibility splays calculated by the LHA in arriving at their objection to the proposal were incorrectly calculated and misapplied. The LHA has since withdrawn its objection, subject to conditions.
4. The Council indicate that planning permission would have been granted had the LHA applied the correct visibility splays to the proposed access during the application process. Therefore, it will no longer be defending the appeal. The appellant and third parties are aware of this and have been given the opportunity to comment.
5. Although agreement has been reached on all matters by the two main parties, I am mindful that some correspondence was submitted by third parties,

including the Parish Council, in relation to the application and the appeal before me now. Therefore, I shall address the main issue raised.

Main Issue

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

Reasons

7. The appeal site is located to the side of an existing dwelling at 5 Church Road (No 5). No 5 is an end-terraced 2-bedroomed dwelling located in the village of Belbroughton. The site is elevated from the road and currently has a raised front garden area with a rubble stone retaining wall to the front boundary and steps down to the road.
8. The appellant indicates that drawing number 1189_04A shows the correct visibility splays which has been accepted by the LHA. The TS concludes that the achievable northbound (south side) splay line is 2.4m x 22m measured to the centre line. This would be 1m short of the 23m calculated in accordance with Manual for Streets 2 (2010) (MfS2). The TS also concludes that the visibility splay to the north (southbound) is 2.4 x 23m, which is a shortfall of 3m compared to the 26m from the MfS2 calculation. The LHA does not contest the TS calculations.
9. There would be a shortfall in the visibility splay distances. However, it would be small, and I saw at my site visit that visibility for motorists using the junction would still be adequate in both directions.
10. In addition, although there are existing accesses onto Church Road with substandard visibility, there are no recorded history of accidents in the vicinity of the appeal site. Given the 30mph speed limit on Church Road and the natural traffic calming measures in place by virtue of the narrow road width, visual narrowing as a result of the double yellow lines, and the proximity of the retaining wall for the properties to the south, I consider that the visibility splays for the proposal would be appropriate.
11. Furthermore, as the proposed development would serve one dwelling only, there would only be a small number of daily vehicular movements into and out of the appeal site. Accordingly, subject to appropriate conditions, I find that the proposed development would not be harmful to highway safety.
12. For the reasons given, and in the absence of substantive evidence to the contrary, I find the proposal would not be harmful to highway safety. It therefore accords with paragraph 111 of the National Planning Policy Framework (Framework), which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. In addition, the proposal would also accord with Policy BDP16 of the Bromsgrove District Plan 2011-2030 (2017), and Worcestershire County Council's Streetscape Design Guide (2022), which amongst other things, require development to incorporate safe and convenient access.

Other Matters

13. The appeal site is located within the Green Belt. Paragraph 150 of the Framework states that certain forms of development, including engineering operations as proposed here, are not inappropriate in the Green Belt provided

they preserve its openness and do not conflict with the purposes of including land within it. The proposal would provide a parking area to the frontage of the property, but this would be at a relatively low height and would be read against the existing backdrop of built form. As such, the proposal would not cause harm to the openness of the Green Belt. As it is within a residential area and surrounded by built form it would not conflict with the purposes of including land within the Green Belt. It would not therefore represent inappropriate development in the Green Belt.

14. The appeal site is located within the Belbroughton Conservation Area. There is also a Grade II Listed Building (Bellem Cottage) sited opposite the appeal site. The Council has not raised this as an issue. The proposal would reuse the materials from the existing stone wall and there is a significant amount of space to the side of the property to allow for the proposed development to take place without causing undesirable harm to the significance of the heritage assets. Based on the evidence before me and the observations I made during my site visit, I find that the proposal would have a neutral effect on the significance of these heritage assets and would preserve the setting of the listed building and the character and appearance of the Conservation Area.
15. There is concern that excavations could damage the boundary hedge owned by adjacent properties. However, this would be a civil matter and therefore not applicable to this appeal.
16. I note the concerns raised that granting permission to this proposal would set a precedent for others in the terrace to follow suit. However, I have determined this appeal on its own individual merits with regard to its site-specific characteristics.

Conditions

17. The Council has suggested conditions which I have considered, making amendments where necessary in the interests of clarity and consistency, and to ensure compliance with the tests contained in the Planning Practice Guidance.
18. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require the development to be carried out in accordance with them as this provides certainty.
19. A materials condition is appropriate to ensure that those used are in keeping with the area. In the interests of sustainable travel, I have imposed a condition requiring the provision of an electric vehicle charging point.
20. Conditions are also imposed in the interests of highway safety, relating to visibility splays, surface materials, and access gates.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

H Smith

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 shall be carried out in accordance with the following approved plans:
 - Site Location and Block Plan, dated July 2022
 - Drawing No. 1189_04A, dated March 2023
- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on both the walls, steps, and driveway/parking area, including samples of both, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be brought into use until an electric vehicle charging point has been fitted. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. 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.
- 5) The development hereby permitted shall not be brought into use until the access and parking facilities have been provided as shown on drawing number 1189_04A.
- 6) The development shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of edge of carriageway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.
- 7) The development hereby approved shall not be occupied or brought into use until the visibility splays shown on drawing number 1189_04A have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.
- 8) The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.
- 9) Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

****End of Conditions****