



Appeal Decision

Site visit made on 2 January 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/W0530/W/23/3326675

76 Station Road, Fulbourn, Cambridgeshire CB21 5ES

- 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 Metropolitan Thames Valley Housing against the decision of South Cambridgeshire District Council.
 - The application Ref 23/00356/FUL, dated 30 January 2023, was refused by notice dated 9 June 2023.
 - The development proposed is demolition of existing dwelling and erection of two five-bedroom detached dwellings (Use Class C3) accessed from Station Road, with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. A costs application has been made by Metropolitan Thames Valley Housing against South Cambridgeshire District Council, which is the subject of a separate Decision.

Preliminary Matters

3. Since the Council issued their decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. While changes have been made to the paragraph numbering, those parts of the Framework most relevant to this appeal remain unchanged. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issue

4. The main issue is the effect of the proposed development on highway safety.

Reasons

5. The appeal site lies within the 'development framework' boundary for Fulbourn, which is designated as a Minor Rural Centre within the South Cambridgeshire Local Plan September 2018 (the Local Plan). The appeal site consists of a large 6 bedroom detached dwelling. The northern boundary of the site adjoins a railway line. There is a level crossing to the north of the site access. The level of land rises towards the level crossing and then drops on the other side. There is a cluster of industrial buildings on the opposite side of the railway line. To the south of the appeal site is a modest sized bungalow. Opposite the site is an

area of undeveloped land. There is also a pavement on the opposite side of the road.

6. The proposal seeks to demolish the existing dwelling and provide 2 nos. 5 bedroom detached dwellings. The existing access has substandard levels of visibility to the south, where only a 2.4m x 10m visibility splay to the nearside kerb and 2.4m x 24m visibility splay to the centreline of the road can be achieved. I noted on my site visit that visibility is further restricted to the south by the presence of conifers on land to the front of the neighbouring property.
7. The proposal seeks to relocate the access to the north of its existing location. The proposed access would be wider than the existing to enable two way vehicle movements, which would prevent the need for a vehicle to wait on the highway, while a vehicle is exiting the appeal site. The revised access would increase visibility to the south of the site by 5 metres, resulting in a 2.4m x 15m splay to the nearside kerb and 2.4m x 36m splay when measured to the centreline. I appreciate that a longer splay is possible by looking over the garden wall of the neighbouring property; however, visibility splays should not encroach on third party land.
8. To accord with the guidance set out in Manual for Streets 2007 (MfS), the local highway authority advises that the site requires visibility splays of 2.4m x 43m on both sides of the access. These splays should be measured along the nearest edge of the carriageway. Subject to the cutting back/removal of boundary vegetation, the appellant has demonstrated that the northern splay complies with this guidance. Based on the evidence before me and my site visit, I have no reason to reach a contrary view on this matter.
9. Paragraph 7.7.5 of MfS advises that there are some circumstances, such as the physical separation of opposing flows that make it unlikely that vehicles approaching from the left will cross the centreline. In such circumstances, MfS advises that the visibility splay to the left (which in this case is to the south) can be measured to the centreline. Although a solid white line is present close to the site access, the solid white line does not extend throughout the stopping sight distance. There are also no physical features to stop vehicles from crossing the centreline.
10. The appellant has provided photographic evidence showing that vehicles do not typically park on the opposite side of the road in close proximity to the appeal site. However, there are no parking restrictions along this part of Station Road. At the time of my site visit, there was a car parked a short distance away from the site access on the opposite side of the road. Vehicles travelling in a northbound direction had to cross the centreline to pass the parked vehicle, in close proximity to the site access. Given the absence of any physical feature preventing vehicles crossing the centreline, I do not find that there are any specific circumstances in this case, to justify measuring the splay to the centreline. As a result, I find that the splays should be measured to the nearest edge of the carriageway.
11. The proposal would result in a net increase of one dwelling on the site. I concur with both main parties that vehicle movements from the proposed development are likely to be modest. The appellant estimates that the peak hour impact would be no more than 0.5 vehicle movements in the busiest hour. Although the proposed dwellings would be smaller than the existing dwelling, the proposal would provide 2 large, family-sized dwellings. The proposal would

double the number of dwellings on site, which is likely to result in a similar increase in vehicular movements.

12. When in operation, the level crossing interrupts the free flow of traffic and provides gaps in the southbound traffic. While there are no speed surveys before me, the appellant advises that traffic under free flow conditions tends to travel past the site at around 30mph. Based on the evidence before me and my site visit, I have no reason to disagree with this advice.
13. Although motorists are likely to approach the level crossing with caution, a driver's attention would be drawn to the level crossing, particularly when the lights are flashing. Vehicles travelling in a northbound direction would have good visibility of the highway edge adjacent to the appeal site, due to the straight alignment of the road. However, vehicles exiting the proposed development would have very limited visibility in a southerly direction. Consequently, even vehicles 'creeping' out of the appeal site would not see a car approaching until the very last moment, which could result in a collision.
14. The appellant advises that the site access has operated safely/without incident for over 23 years. I appreciate that the proposed access arrangements would be better than the existing. Nevertheless, the proposal would double the number of dwellings on site and result in an intensification of use of an access with substandard visibility. As a result of the proximity of the site to the level crossing and the fact that the proposed southern visibility splay would fall significantly short of the required standard, the proposal would pose unacceptable risks for vehicles exiting the site and would cause unacceptable harm to the highway safety of other road users.
15. The net increase in one dwelling would only have a modest impact on the local highway network in respect to traffic levels. As a result, I do not find that the increase in traffic would have a severe impact on the functionality of the road network. This would not however reduce the harm that I have identified.
16. For the reasons given above, I conclude that the proposed development would be harmful to highway safety. The proposal would conflict with Paragraph 115 of the Framework, which seeks to resist development where there would be an unacceptable impact on highway safety.

Other Matters

17. The appellant advises that the proposal would accord with Policy S/9 of the Local Plan, which seeks to maximise the scale of development to 30 dwellings per hectare in an area designated as a Minor Rural Centre. The proposal would provide a net gain of one family-sized dwelling in a location that has good access to nearby services/facilities and public transport links. However, the provision of housing should not come at a cost to highway safety. Even, if I had been provided with evidence of an undersupply of housing land, which I have not, the adverse impacts of approving the proposed development would significantly and demonstrably outweigh the benefits of providing one new, family-sized dwelling.
18. The appellant has drawn my attention to appeal decisions at Six Bells in Felsham, The Swan Inn in Clare and The Bramford Cock in Bramford¹. The

¹ Appeal Refs: APP/W3520/W/21/3289197, APP/F3545/W/22/3308847 and APP/W3520/W/21/3275506 (respectively)

appellant advises that these appeals relate to accesses that have operated safely for some time, despite substandard visibility. All these other appeal schemes relate to accesses which serve public houses, where new residential development is proposed. Given the existing public house use, these accesses were likely to have been subject to a greater level of vehicular movements than the appeal scheme before me. The other appeal schemes are also not located in close proximity to a level crossing. As a result, the context is materially different.

19. While the Six Bells scheme was not fully compliant with MfS, it would deliver visibility splays of 43m and 40m, which are significantly better than proposed in this current appeal. Although there are no development plan policies before me in this current appeal, the other appeal schemes relate to different local authority areas and were assessed against different development plans. Consequently, the other schemes are not comparable and I give them limited weight in my decision. In any event, I am required to determine the appeal on its own merits.
20. While I note that no objections were received from the Parish Council, occupants of neighbouring properties, Network Rail, the Council's Drainage, Environmental Health and Tree Officers, this does not change my findings in respect to highway safety.
21. Although not a reason for refusal, the Council raises concerns that the proposal would cause overlooking to occupants of the adjacent bungalow. However, it is not necessary for me to consider this matter further given my findings on the main issue.

Conclusion

22. For the reasons given above, the proposal would conflict with the Framework and there are no other material considerations, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR