

Appeal Decision

Site visit made on 22 August 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/P2114/W/23/3335066

Warwick Rise, New Road, Wootton, Isle of Wight PO33 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Bradley against the decision of Isle of Wight Council.
 - The application Ref is 22/01930/FUL.
 - The development is a proposed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling at Warwick Rise, New Road, Wootton, Isle of Wight PO33 4JL in accordance with the terms of the application, Ref 22/01930/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on highway safety. The Council is content that the scheme would be acceptable in all other regards, taking account of the fact that the presumption in favour of sustainable development is engaged. Based on the evidence before me, I have no reason to disagree.

Reasons

3. The appeal site is located on New Road which is a private thoroughfare. The proposed dwelling would be located within the garden of the dwelling known as 'Warwick Rise' and future occupiers would share the existing access.
4. When exiting the site onto New Road, there is good visibility to the south and I note that the Council is satisfied that there is no issue in this regard. However, the views to the north are much more limited as the road bends around uphill to the left. There appears to be some disagreement between the two main parties with regards to the extent of the visibility splay, and whether or not it conforms with the guidance contained within the Government's Manual for Streets (MfS).
5. I observed on my site visit that, between the front garden of the property and the road, there is a ditch and a grass verge that contains a very well trodden unsurfaced footpath. The consultation response from Island Roads dated

2nd May 2023 acknowledges that, when looking over the grass verge and ditch to the north, the visibility is 25 metres. I note that this would be in accordance with the guidance in the MfS. The case therefore turns on whether it is appropriate to take account of this verge and ditch when calculating the extent of the visibility splay.

6. Given that the road is privately owned, it would not be possible to impose a condition to require that the associated grass verge and ditch, which are within the same third party ownership, be maintained to ensure adequate visibility at the access. However, it was clear from my site visit that the footpath on the verge is well worn and is therefore presumably used regularly by pedestrians. As a result, it seems highly unlikely to me that grass and other foliage would be able to grow to such an extent that it would restrict visibility at the access.
7. Furthermore, I note that the appellant has stated that they have cut the grass on the verge for some time. While it is not possible to compel the third party owner to do the same, it seems highly unlikely that they would object to the appellant, or the future occupiers of the proposed dwelling, from continuing to undertake this task. I am therefore satisfied that it is appropriate in this instance to take account of this land when assessing the visibility at the junction, and that in doing so, the sightlines are acceptable.
8. Even if it transpired that the visibility splay did not quite meet the standards set out in the MfS, there are two factors that would in my view mitigate this to an acceptable degree. Firstly, New Road has an advisory speed limit of 20mph in this location. While not enforceable, it is highly likely that this would lead to vehicles moving at relatively slow speeds, thereby reducing the potential for accidents. Secondly, the access is already well established and has been used by the occupiers of Warwick Rise for a considerable time without any reported incidents. The single proposed dwelling would only result in a very minor increase in vehicular trips and I can see no reason to conclude that this would result in an unacceptable risk to highway safety.
9. I therefore find that the proposed development would not have a detrimental effect on highway safety. As such, it would conform with Policy DM2 of the Island Plan (March 2012), which in part, seeks to ensure that new development is accessible and safe.

Other Matters

10. The site is within the zone of influence of the Solent and Southampton Water Special Protection Area (the SPA). The SPA supports an internationally important assemblage of birds, including overwintering populations of Dark-Bellied Brent Geese and Eurasian Teal.
11. The SPA is an important recreational and economic resource. It is well frequented by the public and it is likely that occupants of the proposed development would visit the site. It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA.

12. The evidence before me is clear that the proposal, particularly when combined with other development in the area, would have a likely significant effect on the SPA due to an increased disturbance through recreational activity.
13. The parties have agreed a financial sum in accordance with the Solent Recreation Mitigation Partnership and the Solent Bird Aware Strategy which have been endorsed by Natural England. This money can be put towards infrastructure or non-infrastructure projects. As such, I am satisfied that the financial contribution would suitably address the effects associated with the proposed development and relieve pressure on the SPA.
14. I therefore find that the proposal would not result in an adverse effect on the integrity of the SPA. The appeal site is not within any other area designated as being of environmental importance.
15. Third parties have raised various concerns in relation to the proposed development. The proposed dwelling would be located between existing dwellings and so it would not result in the extension of the urban form along New Road or cause an unacceptable level of harm to the character and appearance of the area.
16. The Council acknowledges that an insufficient number of homes have been built in recent years and so there is an accepted need for new dwellings in the area. I also have no substantive evidence before me that would lead me to conclude that the development would result in unacceptable highway issues more generally. Finally, a third party has referenced a previous appeal decision from 2015. I do not have the full details of that decision before me, but it appears that it relates to a different site and was for a different form of development. It is therefore not directly comparable to this appeal proposal.

Conditions

17. I have imposed the standard conditions to identify the relevant timescales and plans in the interests of certainty. Conditions have also been imposed in relation to materials, landscaping and trees in order to preserve character and appearance. Further conditions seek to secure adequate car and cycle parking and also arrangements for sewage.
18. Given that the visibility splay at the access is dependent on third party land, I have not imposed a condition to secure the relevant sight lines as to do so would be unenforceable. However, I have set out why I have found this arrangement to be appropriate in this instance.

Conclusion

19. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of 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 drawing no's: 22-WR-010 Revision P2, 22-WR-011 Revision P1, 22-WR-012 Revision P2, 22-WR-013 Revision P2 and 22-WR-014 Revision P2.
- 3) No development shall take place until details of the materials and finishes, including mortar colour, to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and those works have been carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; hard surfacing materials; minor artefacts and structures (eg. refuse or other storage units, lighting, etc); and proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines, etc, indicating lines, manholes, supports, etc). Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; and an implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5) The Arboreal Method Statement (dated 25th October 2022) shall be adhered to throughout the development of the site.
- 6) The dwelling hereby permitted shall not be occupied until space has been laid out in accordance with details shown on the submitted Proposed Site Plan (22-WR-010 Revision P2, dated Sept 22) for 2 car parking spaces, together with 2 long term (secure/undercover) plus one short term cycle parking spaces and for vehicles to turn so that they may enter and leave the site in forward gear. These spaces shall not thereafter be used for any purpose other than that approved in accordance with this condition.
- 7) The development hereby permitted shall not be occupied until (i) details have been submitted to and approved in writing for sewage to be pumped to a sealed cesspit within the site and stored prior to collection and disposal at Southern Water Sandown Wastewater Treatment Works; and (ii) those works have been carried out as approved. The drainage details shall be maintained in accordance with these agreed details thereafter.