



Appeal Decision

Site visit made on 7 August 2018

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2018

Appeal Ref: APP/V0510/W/18/3194423

Land opposite 70 West Street, Isleham CB7 5RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dale Clarke against the decision of East Cambridgeshire District Council.
 - The application Ref 17/00896/OUT, dated 22 May 2017, was refused by notice dated 28 July 2017.
 - The development proposed is outline application for proposed dwelling, double car port, parking access and associated site works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with approval sought for access, layout and scale.
3. The emerging local plan has been submitted for examination and may yet change. As such, although both main parties have referred to various policies in that plan in support of their arguments, I have given those policies limited weight in my reasoning.

Main Issue

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

Reasons

5. The development is for a dwelling located along a long narrow access track. The track currently serves two recently approved dwellings and, according to the parish council, another eight pre-existing households.
6. The access track is lined on both sides by mature sycamores which are protected by a Tree Preservation Order. As such, it cannot be widened to allow two-way traffic. A passing place between two trees has been provided about 18 metres from the track's junction with West Street. The transport statement notes that its width, at 4.6 metres, would allow two cars to pass. However, in my experience this is less than the carriageway width required for two way traffic on a residential estate, and also less than the width of two standard parking bays. Whilst two cars would be able to pass at this point, albeit with

- care, it seems less likely that two larger vehicles would be able to pass so readily.
7. A survey of vehicle movement along the track undertaken on an October weekday recorded a maximum of four vehicle movements in any 15 minute period. The development would add between 6 – 8 vehicle movements per day. However, such movements are unlikely to be evenly spaced. Given my reservations with regard to the dimensions of the passing place, the likelihood of incoming vehicles having to wait on West Street cannot be ruled out. The width of West Street suggests that such a scenario would be likely to cause a degree of short term congestion.
 8. Furthermore, the geometry of the junction and the track's high boundary walls suggest that there would be limited visibility along the track for incoming vehicles. This would reduce opportunities for those vehicles to give notice to other road traffic on West Street that the turn into the track would be delayed. The transport statement argues that traffic volume on West Street is sufficiently low to avoid significant disruption to traffic flow. Nonetheless, it is a through route to the village centre with dwellings on both sides.
 9. Notwithstanding that the development's effect on the character and appearance of the area is not a main issue, the evidence before me indicates that the continued preservation of these trees is a key consideration for the Council and I see no reason to disagree. The transport statement notes that as the first trees on the access are set back from the road, this gives additional manoeuvrability at the junction with West Street. However, the ground levels of the soft verges appear to be slightly raised above track level, and already show signs of damage through overrunning. Point F of Policy COM7 of the Local Plan¹ (LP) states that development should be *capable of accommodating the level/type of traffic generated without detriment to the local highway network, and the amenity, character or appearance of the locality*. Although there is nothing before me which shows the trees' precise location, engineering solutions to provide additional level hard surfacing could encroach into their root zones and have an adverse effect on their future health and longevity. This would be an unsatisfactory solution to the awkward layout of the junction.
 10. In any case, the highway authority is concerned that the junction would fail to provide visibility splays as set out in the Manual For Streets (MfS). The high boundary walls of the access track extend as far as the footway, and in the absence of evidence to the contrary I conclude that the visibility for vehicles and pedestrians at the junction would not meet the standards set out in MfS. This would aggravate the situation in relation to the inability of incoming vehicles to see outgoing traffic before reaching the junction. This lack of adequate visibility would lead to increased hazards for both vehicles and pedestrians.
 11. Moreover, there is no room for a dedicated footway along the track, which is an additional risk for pedestrians, or people with mobility scooters or pushchairs. Nor is there anything before me to suggest that the track would be lit at night. This suggests that modal alternatives to vehicular traffic for future occupiers would be neither safe nor convenient.

¹ East Cambridgeshire District Council Local Plan 2015

12. Given that the intensification of the track is relatively recent, I give limited weight to the historic data suggesting that the junction has operated safely for many years. Although this development would be a small incremental increase above existing and approved use, use of the track has already been increased over the last few years through the building of two other dwellings. Moreover, these recent dwellings appear fairly large and the evidence before me indicates that a large proportion of the pre-existing dwellings are flats. As such, not only has the number of households significantly increased compared to the number of pre-existing households, but the nature of those new households and associated transport patterns is also likely to be significantly different.
13. As such, I consider it appropriate to take the cumulative effect of this development and the previously approved dwellings into account, and conclude that the cumulative effect of this development would represent a significant proportionate increase in use of the access track.
14. Furthermore, the appellant argues for this appeal that the plot of the host dwelling is large enough for subdivision. On that basis it could be considered that the residential plot of the other approved dwelling, which is broadly the same size, is also large enough for further subdivision. If this appeal is allowed on the basis that the incremental harm to highway safety from one additional dwelling is not significant, a further application for a fourth dwelling would be difficult for the Council to resist on highway grounds.
15. My reasoning in this regard is reinforced by the observation that an original application for three dwellings was refused, but the appellant has subsequently applied for single dwellings. Moreover, the parish council notes that an earlier application was for a block of four dwellings.
16. I appreciate that highway access standards are sometimes not met. However, I am not satisfied that this observation justifies any further intensification of the use of this particular access and junction. As such, I consider that the limit of use on this track, which fails to meet current access standards, has been reached.
17. In the light of the above, the development would have an adverse effect on highway and pedestrian safety, contrary to LP Policy COM7. This requires development to have safe and convenient access to the highway network, and be capable of accommodating the level/type of traffic generated without detriment to the local highway network, amongst other considerations.

Listed Building

18. The site is located in the vicinity of a Grade II listed building. There is limited information before me with regard to the significance of the setting of the listed building, and the Council has not raised any concern in this regard.
19. The appellant argues that the northern boundary wall provides screening and separation from the listed building, and I concur that this is the case. Although the wall has a substantial gap in its length, which is currently boarded up, I have taken the view that if the appeal was allowed this gap in screening could be addressed. As such, on the basis of the evidence before me I see no reason to disagree with the Council's conclusion.

Other matters

20. Although the appellant states that the dwelling would merely complete new development within the walled area, there is nothing before me to suggest that there is any imperative to have a line of three dwellings along this section of the access track.
21. Moreover, it appears that the two recently approved dwellings have been design to form a pair of similarly sized dwellings on generous plots. This impression was confirmed by my observations on site. If this appeal was allowed, the garden of the host dwelling would be significantly smaller than that of its neighbour, and the line of dwellings would appear unbalanced.
22. Furthermore, the site lies outside the development envelopes of both the current LP and emerging local plan. I appreciate that the emerging local plan allows infill development outside the settlement boundary, but as noted above, this may change. In any case, the appellant concedes that the development would not meet all the criteria for infill development set out in the emerging plan.
23. I also note that Paragraph 70 of the National Planning Policy Framework (the Framework) qualifies a requirement for the inclusion of windfall housing supply sites by stating that plans should consider the case for setting out policies to resist the inappropriate development of residential gardens.
24. Paragraph 109 of the Framework states that development should only be refused on highways grounds if the impact on the road network would be severe. However, Paragraph 108 states that it should be ensured that safe and suitable access can be achieved for all users. Notwithstanding the apparent tension between these two paragraphs, I have concluded this development would not have safe and suitable access. My reasoning in this regard is supported by the LP Policy referred to above.
25. Interested parties have raised concerns in relation to the living conditions of occupiers of the recently approved dwellings, biodiversity and the character and appearance of the area. However, as I have found in respect of the main issue it is not necessary for me to consider these issues further.

Conclusion and Planning Balance

26. The Council does not dispute that it does not have a five year housing land supply. However, this does not automatically lead to the granting of planning permission.
27. The appellant argues that the development would meet the three overarching objectives of the Framework. However, one dwelling would make a limited contribution to local housing supply and the boost to the local economy and society would be similarly limited. Furthermore, the parish council has highlighted that the local primary school is at capacity, the nearest secondary school is five miles away and the local bus service comprises two buses each week. I also note that opportunities for local employment are limited. As such, future occupiers would be heavily dependent on the private car. Although the development would represent an effective use of land, it would not advance the move to a low carbon economy as set out in the environmental objectives of the Framework. I conclude that the presumption in favour of sustainable development should not apply and that the adverse

impacts of the development, as identified above, would significantly and demonstrably outweigh the limited benefit of one additional dwelling.

28. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and the Framework, and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR