

COMPTON 16/03431/FULD Pins Ref: 3154951	Bray Cottage, Compton Mr J Ramsay and Ms J Franklin	Construction of new dwelling with associated curtilage and car parking with modifications to boundary wall (dismantle and reconstruct) and removal of boundary outbuildings.	Delegated Refusal	Allowed 6.12.16
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Main Issue

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

Reasons

The appeal site was used until recently for the storage of cars, but is now laid in part out as a parking area for Bray Cottage. The proposed dwelling would be set to the rear of the site, and it would share a parking and turning area with Bray Cottage. The proposed dwelling would be simple in character and the catslide roof picks up local references. The proposed modification of the existing boundary walls, if carried out in good quality brickwork, would preserve this distinctive enclosing feature. This part of the Compton Conservation Area is characterised by large well-spaced dwellings enclosed by high brick walls and the Inspector found that the appeal proposal would preserve this character. The proposal would therefore comply with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The appellants have submitted a Visibility Statement and a Technical Note by JMP to support their case in relation to highway safety. A traffic count was carried out using an automated recorder, which established that the road had very low levels of traffic and that the 85th percentile wet weather speeds were found to be 18.6 mph northbound and 19.2 mph southbound.

Both parties refer to Manual for Streets (MfS) 2007, which is the accepted guidance for the design of streets and roads. Section 7.7 gives guidance on junction design, but the Inspector considered that it is also relevant to take into account the guidance on forward visibility in section 7.8. 7.8.3 which discusses the behaviour of drivers emerging from private driveways, as would be the case here, and points out that the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. It suggests that consideration should be given to whether this will be appropriate taking into account the frequency of vehicle movements, the amount of pedestrian activity and the width of the footway. Whilst this comment mainly refers to assessing the risk of car/pedestrian conflict, this principle is also helpful in this case which requires an assessment of car/car as well as car/pedestrian conflicts.

Cheap Street is a short local road, with a very low traffic count and in the vicinity the appeal site, it has the character of a narrow country lane. The Inspector saw that cars proceeding northwards tended to be towards the centre of the road due to the effect of the build out just to the south of the appeal site¹. In any event, the lane is enclosed by walls at the side of the carriageway on one side and an overhanging hedge on the other so drivers tend to drive slower and towards the middle of the carriageway. There is room for two cars to pass but this would need to be done at low speeds in this section of the lane. There are no footpaths and everyone has to share the carriageway up to a point at the build out, from where the footpath to the centre of the village commences. There have been no recorded injury accidents here over the last 10 years.

The Inspector drove through the access, turned around and went out again. The current visibility is poor, but using caution and common-sense, there is a very low risk of a conflict with either vehicles or pedestrians. The proposed dwelling would generate additional car movements in and out of the access, but these would still be relatively low and would not be comparable to a junction. Figure 4 of the JMP Technical Note shows that the bonnet of a car would be clearly visible from the north and south, with room for the approaching car to avoid it. The possibility of two cars passing each other exactly at the time that a vehicle emerged from the appeal site would be very low and even then, the speeds of all the vehicles would be likely to be very low.

Accesses onto many historic streets such as this one would fail the standard tests of visibility, but they tend to function reasonably well because driver behaviour is modified. Given the low speeds and the low volumes of vehicles and taking into account that the visibility would be improved by

the proposals, the Inspector concluded that it is appropriate in this case to allow a lesser visibility than is the normal standard required for junctions in MfS. MfS 2 followed and builds on MfS 1 and also emphasises the importance of the sense of place as a factor in street design. This publication also advises that a more flexible approach can be taken if the conditions are appropriate, which he found is the case.

The Council has referred to appeal APP/W0340/A/11/2144865 (May 2011). This proposal was for one additional four bed dwelling whereas in this appeal the proposal is for a three bed dwelling. The use of an existing access was proposed and it is clear that the Inspector has taken into account the specific circumstances of the site and local traffic speeds were higher. As the Inspector explained above, he carried out a similar risk assessment and due to the different circumstances, he reached a different decision.

The Council's reason for refusal also refers to the free flow of traffic, but this is a lightly used road and the flow of traffic would not be affected by the proposal. The Inspector therefore concluded that the proposed access would not have a severe adverse impact on the safety of highway users, including pedestrians, riders and other drivers. The proposal would therefore comply with the aims of policy CS13 *Transport* of the West Berkshire District Core Strategy 2006-2028 (adopted July 2012) paragraph 5.85, which requires that road safety is a key consideration for all development.

Other matters

Compton Cottage shares the southern boundary with the appeal site, but there are no windows to habitable rooms facing towards the proposed dwelling and the Inspector saw that its rear garden would be separated by the usual high garden fence. The living conditions of this occupier would not therefore be affected.

The dwelling called the Croft is well separated from the proposed dwelling and has an extensive mature garden on its southern boundary with the appeal site. Given the large separation distances, there would be no adverse impact on these occupiers. The question of the boundary line with the Crofts has been raised, but this is a private matter between the two owners.

The suggestion has been made that the brick front boundary wall could be listed, but the wall is clearly severed from the curtilage of the listed building further down the lane and has been for a very long time and the Inspector had no other evidence that there is likely to be a curtilage connection.

Conclusions

The Inspector therefore concluded that the proposed dwelling would not lead to a severe cumulative impact on the safety of highway users and it would not impede the free flow of traffic.

For the reasons given above, he concluded that the appeal should be allowed.

Decision

The appeal is allowed and planning permission is granted for construction of new dwelling with associated curtilage and car parking with modifications to boundary wall (dismantle and reconstruct) and removal of boundary outbuildings at Bray Cottage, Compton RG20 6QH in accordance with the terms of the application, Ref 15/03431/FULD, dated 21 December 2015, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1561 07C, 08
- 3) No development or site preparation shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development and site preparation shall be carried out in accordance with the approved statement.

- 4) No development shall commence until details of a land contamination assessment and associated remedial strategy, together with a timetable of any remedial works and action to be taken as a result of unexpected contamination, shall be submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details and strategy.
- 5) No work shall commence on the re-building of the front boundary wall until full details of the proposed wall, to include the type of bricks, the bonding, mortar, jointing and coping details, are submitted to and approved by the local planning authority in writing. The wall shall be constructed in accordance with the approved details and retained as such thereafter.
- 6) The dwelling hereby permitted shall not be occupied until the front boundary wall is completed in accordance with the approved plans and the approved details.
- 7) The dwelling hereby permitted shall not be occupied until the vehicle parking and turning spaces have been provided and surfaced in accordance with the approved plans. The parking spaces and turning areas shall be kept available thereafter for the parking and turning of private motor cars and light goods vehicles, at all times.
- 8) The dwelling hereby permitted shall not be occupied until the access is provided in accordance with the approved plans.
- 9) The dwelling hereby permitted shall not be occupied until details of secure cycle storage and an electrical car charging point for the approved dwelling are submitted to and approved by the local planning authority in writing. The cycle storage shall be kept available for that purpose thereafter.

Conditions

The Inspector assessed the conditions suggested by the Council against the tests set out in paragraph 206 of the Framework and the guidance set out in the Planning Practice Guidance. He attached the standard time limit and required the development to be carried out in accordance with the approved plans. This is to provide certainty. He attached a condition requiring a scheme of archaeological investigation to be approved before any site work commences. This is to ensure that any heritage assets are properly recorded and assessed. Given the history of the site, he also required a scheme for dealing with any land contamination.

Given the prominent position of the proposed new front boundary wall, he required further details of its construction and materials, in order that the Council can be satisfied that the character and appearance of the conservation area is preserved. He imposed a condition to ensure that the replacement wall is provided and retained, in order to protect the character and appearance of the conservation area.

For the protection of highway safety, he required that the access and the parking and turning areas are provided before the dwelling is occupied. In the interests of sustainable travel options, he required secure cycle parking and an electric vehicle charging point to be provided.

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