The Planning Inspectorate

Appeal Decision

Site visit made on 30 April 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2019

Appeal Ref: APP/B3438/W/18/3213045
5 Draycott Old Road, Forsbrook ST11 9AL

- 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 and Mrs D Caswell against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0362, dated 5 June 2018, was refused by notice dated 27 September 2018.
- The development proposed is the erection of a detached dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a detached dwelling at 5 Draycott Old Road, Forsbrook, ST11 9AL, in accordance with the terms of the application, Ref SMD/2018/0362, dated 5 June 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. The appellants have indicated that the outline application sought approval of matters of means of access, layout, appearance and scale, with landscaping reserved for subsequent approval. However, the application was submitted with only scale reserved for further consideration and the Council considered it on this basis. Whilst I have details of scale before me, these have been considered for illustrative purposes only and I have therefore considered the appeal on this basis.

3. The appellants advise that the Council changed the description of the development during the course of their consideration of the application. Since I have no substantive evidence that this was agreed by the appellants, I have taken the description of the development from the application form.

4. During the course of the appeal a revised Framework (February 2019) was published. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision and am satisfied that this has not prejudiced either party.

Main Issue

5. The main issue is whether the proposal makes adequate provision for parking and turning of vehicles and, as a consequence, the effect on highway and pedestrian safety.

Reasons

6. The appeal site comprises an irregular plot of land to the rear of No 5 Draycott Old Road. The site is currently vacant and is accessed via a gated entrance off Cheadle Road. Although the address of the site is No 5 Draycott Old Road there is no access to No 5 from the appeal site. There are a number of mature trees within the site, including trees which are the subject of a Tree Preservation Order (TPO), a Scots Pine, reference T1 and two groups of trees, G1 and G1, at the north-west corner and north-east corner of the site. In front of the site is an unusually wide paved area which provides access to properties either side of the appeal site.

7. The proposed dwelling would be accessed off Cheadle Road and would be set back from the highway towards the rear of the site, orientated towards the highway. There would be parking provision for two cars and a turning area to the front of the dwelling.

8. The Council has drawn my attention to a previous appeal decision, reference APP/B3438/W/18/3195307, for the development of a single residential unit at the site. The Inspector found that the proposal would be likely to have a severe and significant adverse effect on highway and pedestrian safety as the proposed parking and turning area would not be of sufficient size to adequately serve the proposed dwelling.

9. The appellant has sought to address the concerns raised by the Inspector and has provided revised plans which seek to show how parking provision for two vehicles within the site could be achieved. The area for parking and turning in this scheme would be substantially larger than the area previously considered by the previous Inspector. Furthermore, the submission is accompanied by a plan which demonstrates how vehicles within the site would park and turn so that they can enter and leave the site in a forwards gear. Whilst the proposed parking layout is not an obvious one, it would be possible to mark out parking areas on the ground which would help ensure that visitors to the site park in the appropriate locations. This is a matter which could reasonably be addressed via condition.

10. The appellants have demonstrated that off-street parking can be provided which would enable vehicles to enter and exit the site in a forwards gear. There would therefore be no conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document (CSDPD)(2014), which seeks to ensure that proposals provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

11. Paragraph 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst I note concerns raised by interested parties regarding the effect of the proposal on congestion, the proposed dwelling would result in a modest increase in vehicle movements on the highway. I note concerns raised regarding parking in front of the proposed drive and that with an unusually wide footpath immediately beyond the drive, visitors to the site may choose to manoeuvre and possibly park within this space. However, as acknowledged within the Council's appeal statement, this would be addressed by legislation. Furthermore, any parking here would be some distance from the

front of the dwelling and therefore, the temptation of drivers would be more likely to park within the site. I therefore conclude that the proposal would accord with the Framework.

Other Matters

12. Concern has been raised regarding the effect of the proposed dwelling on Draycott Old Road because, it is asserted, the appeal site is meant to be the rear access for No 5. However, I saw no evidence that the site was used by the occupants of No 5 for parking. Furthermore, fencing which borders the site prevents pedestrian access from the appeal site to No 5. I therefore afford this matter negligible weight.

13. It is asserted that the site plan is inaccurate and extends across a public footpath/Council land. However, the Council has raised no concern in this regard and, if this were the case, this would be a matter for the appellant to address via section 257 of the Town and Country Planning Act and is outside the scope of this appeal.

14. In the previous appeal decision, the Inspector considered the effect of the proposal on the character and appearance of the area, the effect of the proposal on living conditions of neighbours and future occupants of the dwelling and highway safety. The Inspector found no harm to the character and appearance of the area or living conditions and, given the setback of the proposed dwelling from the highway and its position away from other properties I agree that there would be no harm arising in these respects arising from the appeal scheme.

15. Concerns have been raised by interested parties regarding the effect of construction works. It would be possible to minimise the effect of construction works on residential amenity through a condition restricting hours of operation.

16. I also note concerns raised regarding the effect of the proposal on property prices. However, there is no substantive evidence regarding the effect the appeal scheme would have on property prices and it has not been demonstrated that the appeal scheme would adversely affect property prices.

Conditions

17. I have considered the conditions put forward by the Council and other parties against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency, clarity and omitted others. Since the application is in outline, I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development.

18. In the interests of certainty and proper planning I have included a plans condition and details of materials. I have included conditions to secure tree protection measures and to ensure that the development would not harm important trees. I have also included conditions regarding surface water drainage, parking and turning in the interests of highway safety. I have also included a condition to control hours of construction, in the interests of protecting residential amenity. There are pre-commencement requirements within the tree protection measures and parking and turning conditions because such requirements relate to the initial stages of construction.

19. Since scale is a reserved matter there is not need to include a condition limiting the dwelling to two storey in height. Nesting birds are protected under other legislation and it is therefore not necessary to include a condition to control vegetation removal. The Council has requested a condition to prevent the access being gated, however, given the setback of the site from Cheadle Road, I am not persuaded that such a condition is necessary in the interests of highway safety.

Conclusion

20. For the reasons given above, and having regard to all matters raised, the appeal is allowed subject to the conditions set out in the schedule below.

M Savage

INSPECTOR

Schedule of Conditions

1) Details of the scale (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matter shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the reserved matter to be approved.

4) The development hereby permitted shall be carried out in according with drawing numbers 00526_AL(0)06D and 00526_AL(0)10 but only in respect of those matters not reserved for final approval.

5) No development shall take place until temporary protective fencing and advisory notices for the protection of the retained trees have been erected, in accordance with the recommendations contained within the Arboricultural Report, reference THL-R18/12. The development, including excavations for underground drainage and utilities services, shall be carried out in accordance with the recommendations contained within the Arboricultural Report. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, storage of materials or other construction paraphernalia.

6) No development shall take place until details of the driveway, vehicle parking and turning areas, pedestrian access paths and hard paved areas has been submitted to and approved in writing by the local planning authority. The details shall include materials, finished levels and construction specifications, including measures to protect retained trees such as the use of no-dig methods and cellular confinement construction. The details shall be implemented in accordance with the approved details prior to occupation of the approved dwelling.

A 'retained tree' means a tree or group of trees which has been identified on the Tree Protection Plan, drawing number THL-0500 Revision 4.

7) No development shall take place above slab floor level until details of surface water drainage have been submitted to and approved in writing by the local planning authority. The details shall be implemented as approved prior to the occupation of the approved dwelling.

8) No development shall take place above slab floor level until samples of all roof tiles and facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

9) Demolition or construction works shall take place only between the hours of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and not at any time on Sundays or Bank Holidays.