



Appeal Decision

Site visit made on 15 December 2008

by **Stephanie Chivers** BA(Hons) DipTP
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
12 January 2009

Appeal Ref: APP/H1705/A/08/2086697

45 & 46 Farleigh Road, Brown Candover, Arlesford, Hants SO24 9TN

- 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 Mr P Scott against the decision of Basingstoke & Deane Borough Council.
- The application Ref BDB/69176, dated 14 July 2008, was refused by notice dated 15 September 2008.
- The development proposed is a vehicular access.

Decision

1. I allow the appeal, and grant planning permission for a vehicular access at 45 & 46 Farleigh Road, Brown Candover, Arlesford, Hants SO24 9TN in accordance with the terms of the application Ref BDB/69176 dated 14 July 2008 and the plans submitted with it, subject to the conditions set out in the Schedule to this decision.

Main issues

2. The main issues are the effect of the proposed development on highway safety, and whether the development would preserve or enhance the character or appearance of the Brown and Chilton Candover Conservation Area.

Reasons

Highway safety

3. The appellant submitted amended Block Plan BA/249/AP/002a during the life of the application, which showed the proposed access 4.8m wide instead of 3m, and clarified the visibility splays. No public consultation took place on the changes and the Local Planning Authority determined the application on the basis of the original submission. I will take the amended plan as being for illustrative purposes only.
 4. The two cottages at present have no direct vehicular access. They share the wide agricultural track to Robeys Farm to the north east, which also serves Murads Cottage. Nos.45 and 46 have a parking area off that track, and from that point there is pedestrian access to both dwellings. There is also a pedestrian gate from Farleigh Road which serves both cottages, approximately in the position of the proposed access.
 5. A 3m wide access would be too narrow for two cars to pass each other. The access would serve only two houses, and I consider that the frequency of
-

conflict would be unlikely to be high. Nevertheless, it would be a reasonable precaution on this classified B road to ensure that a vehicle would not have to wait in the carriageway to enter the site whilst another is leaving. The Council suggest a width of 4.8m for the whole length of the drive, which would be sufficient to allow a car and a lorry to pass each other according to Figure 7.1 of the government's advice Manual for Streets (MfS). However, I consider that an unnecessarily cautious provision in relation to the scale of use, especially in the light of the need to limit the visual impact of the proposed access in the Conservation Area. The appellant suggests a width of 4.1m for the first 6m of the access which would allow two cars to pass each other, according to MfS, or for one to pause off the carriageway while another enters or leaves. I find that this would secure the safety of users of the drive and highway. I consider that amendments to the details of the design and width of the access would not prejudice the interests of other parties and I see no reason why the agreement of further details could not be subject to condition.

6. I now turn to the matter of visibility at the proposed access, which I assessed at my site inspection. The road is subject to a 40mph speed limit. The parties agree the results of the appellant's traffic speed survey, that the 85th percentile wet weather speed for northbound traffic is 46 kilometres per hour (kph) and 57kph for southbound. The Highway Authority comment that this would indicate a requirement for a Y distance of 70m to the south of the access and 90m to the north. I note that the figures are taken from TD 41/95 which refers to trunk roads, whereas the B3046 Farleigh Road is only a secondary distributor road in a rural area. Nevertheless, I consider that those worst-case visibility splays are achievable, subject to the removal and/or reduction in height of a certain amount of the hedge on the front boundary of No.46. I conclude that adequate visibility for the access could be secured by condition.
7. There would be sufficient turning space on site for vehicles to enter and leave in forward gear, and I note that there has been only one personal injury accident recorded in the area, which occurred just over 10 years ago. I accept that the proposed access would be closer to a bend in Farleigh Road than is the existing shared farm track, but I have assessed the scheme on its own merits in relation to road safety. I conclude that the proposed development would not give rise to a hazard to highway safety, and would not conflict with Policy E1 of the Basingstoke and Deane Borough Local Plan in that regard.

Conservation Area

8. The Brown Candover part of the Conservation Area is characterised by scattered dwellings and farms arranged loosely along Farleigh Road with no cohesive pattern of development, frontage line or plot layout. There are a significant number of Listed Buildings together with others, including the appeal cottages, designated in the Conservation Area Appraisal as Notable Buildings. Front boundary treatments are varied, including hedges and brick, brick and flint or rendered walls.
9. The appeal dwellings are set well back from the road, behind a timber post and rail fence to No.45 and a hedge to No.46. The proposed access would create a larger gap in the frontage than the existing shared pedestrian gate, and would introduce a greater amount of hard surfacing to the front garden area. However shared accesses are a common feature of the immediate

neighbourhood and the use of an informal and porous surface would be in keeping with the rural setting of the site. The appellant queries whether planning permission would be needed for the drive and parking areas, but they are an integral part of the submitted scheme and it is right that they should be considered as part of the appeal.

10. Shrubs are proposed to screen the parking and turning area, together with new hedge planting just outside the sight lines to replace those parts of the hedge at No.46 that would be lost or cut back to provide an appropriate visibility splay. The submission and approval of details of these matters could be secured by condition. Subject to conditions, I consider that the proposed development would have a neutral effect on the character or appearance of the Conservation Area, which would thus be preserved. For the same reasons, the development would not be harmful to the rural setting of the cottages or the landscape character of the area. I conclude that it would comply with Local Plan Policies E1, E3 and E6.

Conditions

11. I have imposed conditions concerning hard surface materials and landscaping in the interests of the character and appearance of the Conservation Area. Conditions relating to the design and construction of the access, visibility splays, the provision of gates and the provision and retention of the parking and turning area are imposed in relation to highway safety. The details of the construction of the access and hard surfaces are necessary also in the interests of securing a sustainable form of drainage. A condition concerning the provision of cycle parking is included to encourage sustainable forms of travel and discourage use of the car for shorter trips. It is unnecessary to impose a condition restricting the creation of other vehicular accesses, because planning permission would be required for that development.

Conclusion

12. For the above reasons, and having considered all matters before me, I conclude that the appeal should be allowed.

Stephanie Chivers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include; hard surfacing materials; means of enclosure including screening to the car parking and turning areas. The details shall specify species, planting sizes, spacing and numbers of trees

and shrubs to be planted, including replacement hedge planting outside the sightline at the frontage of No.46 and shall include a maintenance programme detailing all operations to be carried out to allow successful establishment of planting.

- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and 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 approval to any variation.
- 4) No development shall take place until details of the design and method of construction of the access, parking and turning areas, which shall include details of the disposal of surface water by means of a sustainable drainage system and arrangements for the future maintenance of that system have been submitted to and approved in writing by the local planning authority. The details shall be constructed as approved and shall be retained thereafter. The parking and turning area shall not be used for any purpose other than the parking turning loading and unloading of vehicles.
- 5) No development shall take place until details of the visibility splays at the access with the B3046 have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the development hereby permitted is commenced and shall be retained thereafter and maintained free of obstruction exceeding 0.6 metres in height above the level of the adjacent carriageway.
- 6) Any gates to be provided shall be set back at least 6 metres from the edge of the carriageway of the adjoining highway.
- 7) The development hereby permitted shall not come into use until cycle parking facilities have been provided in accordance with details submitted to and approved in writing by the local planning authority and shall be retained thereafter.