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## Appeal Decision

Site visit made on 23 March 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 April 2020**

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**Appeal Ref: APP/P1615/W/20/3244241**

**Land off Lansdown Road, Bream, Gloucestershire GL15 6NE**

- 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 Mrs Joan Davis against the decision of Forest of Dean District Council.
  - The application Ref P0693/19/FUL, dated 12 April 2019, was refused by notice dated 10 May 2019.
  - The development proposed is to erect a detached dwelling with amended access.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on (1) the living conditions of both neighbours to the site and future occupiers of the proposed house, and (2) highway safety relating to the proposed access.

### Reasons

#### *Living Conditions*

3. The proposed dwelling would be a single storey bungalow set in a roughly central location within the plot. To the side of the plot is a two storey house, Rowan House and its sizable rear garden. As the proposed dwelling would be single storey any potential overlooking of Rowan House's rear garden would be obscured to a significant extent by the boundary treatment. The single storey height of the proposed bungalow would also mean that there would be no significant overshadowing or overbearing impact to the occupants of Rowan House.
4. Rowan House does have ground and first floor windows in the side elevation which open out directly into the front section of the site. This is an unusual circumstance, but the positions of the windows and the angles involved are such that there would be no clear views between Rowan House and the front elevation windows in the proposed bungalow. Furthermore, whilst these windows would be adjacent to the proposed parking and turning area, I do not regard this would result in excessive levels of noise and disturbance to occupiers of Rowan House as it serves just a one bedroom dwelling and so activity would be infrequent. People passing by Rowan House and this ground floor window would also be a generally infrequent occurrence.

5. The proposed bungalow would have windows in the rear elevation. However, as these are ground floor windows the views afforded to the rear, including towards Brandon Cottage would not result in an unacceptable loss of privacy to neighbours, due to intervening boundary treatment and landscaping.
6. Overall, having considered this issue fully, the proposed dwelling would not have a significant or unacceptable impact to the living conditions of occupiers of any of the neighbouring dwellings to the site.
7. Being within a residential area, there are other dwellings that already surround this plot. As some are two storey, especially Rowan House and Brandon Cottage, there will be some overlooking which would have a bearing on the living conditions of future occupiers.
8. As regards Rowan House, their windows would primarily have views of the side and front of the proposed bungalow site, which would not be particularly sensitive areas, with the frontage being mainly for parking and turning for example. There would be no direct views from Rowan House windows into the windows of the proposed bungalow, due to the oblique angles involved.
9. However, there would be close range views from a first floor window to the rear of Brandon Cottage into what would be the rear garden of the site and also more direct views towards a dining room window. Whilst these are views of less than the Council recommended 21m, I have taken into account that this is an area where there is already some overlooking between properties gardens and windows. Furthermore, there are mature trees with proposals for more planting to this boundary, which would help further mitigate the impact of overlooking. The existing trees are within the boundary of the site and so within the appellant's control.
10. As such, I do not regard the living conditions of future occupiers would be significantly impinged by overlooking or lack of privacy due to the position of the site adjacent to neighbouring houses.
11. Overall, I regard the proposed development would ensure the retention of acceptable living conditions of neighbours to the site, whilst also providing a sufficiently good level of amenity for future occupiers. The proposal is therefore in accordance with policy CSP.1 of the Core Strategy, and policies AP.1 and AP.4 of the Allocations Plan, which require development to be sustainable, respects the amenity of residents, amongst other things.
12. Furthermore, I would regard the proposal as being in broad accordance with the Council's Residential Design Guide and the National Planning Policy Framework on this issue.

#### *Highway Safety*

13. I am aware that there were previous appeals at this site including appeal ref: APP/P1615/A/06/2030842, which was dismissed, with highway safety a particular issue. However, whilst I have noted this, I have based my conclusions on the evidence before me now and current policy and guidance.
14. There is an existing access, in the form of a gate, to the site frontage, but this does not appear to be a vehicular access. This is proposed to be utilised and developed to provide for the proposed dwelling. The site has an old garage with access off Link Road to the side, though this does not appear to have been in

regular use as a vehicular access for some time and I have little detail of this. I would regard the proposed new dwelling on this site would likely result in an intensified use of any access, which should be constructed to a safe and suitable level.

15. Within the site, a parking space and turning area is shown on the submitted plans. I also note that if necessary it may be possible to accommodate a second parking space, but considering the size of the dwelling in an accessible location, I have no concerns over the parking provision.
16. The proposed drawings show a vision splay based from different set back positions. The appellant states that at a 2.4m setback 15m splays can be achieved, and at a 2m setback 16m is achievable. I understand that 2.4m is a common position set back from the carriageway edge to work out the possible vision splay, but the appellant states that Manual for Streets 2 allows for this to be reduced to 2m off quiet roads. From the evidence before me and my own observations, Lansdown Walk is lightly trafficked with low speeds common.
17. If the 2m setback was to be used, a distance of 15m may be sufficient. However, I note from the County Highway comments that although they have not objected, a condition requiring the 15m splays would be necessary and should be to the nearer carriageway edge. The submitted plan shows the splay to the left linking with the centre line of the carriageway, whilst to the right it is set 1m from the carriageway edge.
18. In terms of the view to the left (west) along Lansdown Walk, I understand that as vehicles approaching from the west would be on the left hand-side of the road. However, to achieve this the line of sight the vision splay appears very close to the front wall of the neighbouring property at Rowan House. On this matter, the appellant states that the driver of a vehicle leaving the appeal site would be able to see over and past the 0.8 m high stone wall that fronts Rowan House. It is true that currently this is a low stone wall, but the appellant, from the evidence before me, does not have control over this land and so this could change, either by a taller structure being built or new high planting. This would obscure some of the vision, which could be critical.
19. For the view to the right (east), I understand that Manual for Streets 2 does state that often vehicles drive in from the kerb line and therefore a more accurate assessment of the vision splay is made by measuring the nearside of the vehicle track. The appellant suggests that the County Highway Officers support a distance of between 0.5m and 1m out from the verge to calculate the vision splay possible. Due to the narrowness of this stretch of Lansdown Walk I accept that most vehicles would be quite central in their road position, but there is insufficient detail of how a distance of between 0.5m and 1m out from the verge has been decided as suitable in this particular circumstance.
20. Furthermore, the submitted plan BG001 has used the 1m distance from the carriageway edge, rather than the 0.5m. There is insufficient information to explain why 1m should be used to demonstrate the vision splay rather than the 0.5m, as this could make a crucial difference in this setting. It is stated by the appellant that using the 0.5m out from the verge the vision splay could still be sufficiently achieved, but there is insufficient detail to demonstrate this.
21. Further to this, if the figure of 1m outset from the verge is used, although this would account for most wider vehicles, such as cars and vans, there is also the

safety of cyclists, for example, who may not be positioned so centrally in the road and therefore may not be so apparent in the vision splay as proposed.

22. I understand there has been permission to develop the site opposite the site for housing and that there have been other infill developments, but I do not have full details of these and their access arrangements. As such, I have considered this issue on the evidence before me.
23. For these reasons, whilst I have noted the benefits of blocking up the existing access as proposed, I have significant uncertainty and concerns over whether the proposed site access could achieve sufficient visibility in perpetuity to serve the new dwelling proposed. As such, I regard the proposal to be contrary to the National Planning Policy Framework, which requires that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. In this case, I am not satisfied that the proposed development would not result in an unacceptable impact to highway safety.

### **Other Matters**

24. The proposal would result in an additional dwelling, towards housing land supply locally, which could be suitable for elderly occupants. It would also be the efficient use of an infill plot within settlement in an accessible location. The proposal could add to the area economically and to the vitality of the village. I note the proposal includes enhancements for bio-diversity gains, such as planting and bird boxes.
25. However, although these are some benefits, they do not outweigh the significant and demonstrable harm in relation to highway safety I have outlined above.

### **Conclusion**

26. For the highway safety reasons set out above, the appeal should be dismissed.

*S. Rennie*

INSPECTOR