



Appeal Decision

Site Visit made on 25 September 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/C3430/W/20/3254873

60A Stone Lane, Kinver, STOURBRIDGE, DY7 6DY

- 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 Lawnswood & Sons Developments Limited against the decision of South Staffordshire District Council.
 - The application Ref 19/00734/FUL, dated 25 September 2019, was refused by notice dated 24 April 2020.
 - The development proposed is demolition of existing dwelling and construction of four 2-bedroom bungalows with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refused the application on a single ground, namely the effect of the proposal on the character and appearance of the area. However, additional issues have been raised by interested parties, including concerns about the adequacy of the proposed access. I consider these concerns to be significant and have therefore included the provision of a safe and satisfactory access as a main issue. Both parties have had an opportunity to provide further comments in relation to this.

Main Issues

3. The main issues are:
 - i) whether the site would provide a safe and suitable access for all users; and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Safe and suitable access

4. The appeal site is located within the village of Kinver, surrounded by residential properties. The site, which contains a single dwelling, is situated to the rear of existing houses, and is accessed from Stone Lane via a long, narrow driveway.
 5. According to the submitted Transport Statement, the existing driveway varies between 3.5 metres and 4.1 metres in width, so is insufficient for two vehicles to pass. However, the number of trips which would be generated by the proposal would be low, so vehicles would need to pass only infrequently.
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Furthermore, as the driveway is straight, drivers approaching the access would be able to see any vehicle already present and could wait for it to pass, before then safely entering.

6. In order avoid any vehicle conflict on the highway, which might otherwise occur whilst vehicles are waiting to enter the site, it is proposed to widen the access at the Stone Lane end, using highways land, to enable two cars to pass. On this basis, the highways officer raised no objections to the scheme, and I am satisfied that the scheme would provide a suitable access for vehicles.
7. However, the access would need to be suitable for all users, and there would be times when cars and other vehicles would need to pass pedestrians using the driveway. Whilst a vehicle may only take a few seconds to travel along the access, pedestrians would take considerably longer, particularly those with mobility difficulties. Even if they see them, drivers may not always wait for pedestrians to complete their journey before entering the access, and so it is important that there would be sufficient space for them to pass safely.
8. The Transport Statement suggests that a well defined shared surface would be created, with a footway provided along the eastern edge of the existing driveway. The footway would have a minimum width of approximately 0.7 metres. In my experience, there are minimum standards for footway width, and that minimum is significantly wider than 0.7 metres. The proposed footway width here is of particular concern given that future occupiers of the proposed bungalows might be elderly and may have mobility aids, which tend to require more space.
9. If pedestrians were unable to use the pavement because it was too narrow, they may be forced to use the road, raising concerns for safety, particularly during hours of darkness. According to the Transport Statement, following construction of the footway the width of the carriageway would be reduced to between 2.8 – 3.2 metres, so a car or small van would take up most of the available space. This would leave insufficient space for a car or small van to comfortably pass a pedestrian who was unable to use the narrow pavement.
10. The driveway is lined by walls and fences on both sides, and a hedge of conifers has been planted immediately adjacent to the boundary on one side, which extends for a significant distance. This would require regular cutting to avoid any further reduction in the width of the access, which could exacerbate the concerns raised.
11. The narrow width of the driveway also means that larger vehicles would not be able to access the site. No objections have been raised by the Council or fire officer regarding access in the event of a fire. However, as acknowledged in the Transport Statement, the proposed development has not been designed to enable access by refuse wagons. The reasons for this are understandable, but as a result, occupiers of the development would be required to take their refuse to the entrance of the site at Stone Lane for collection.
12. The Transport Statement notes that the access road is some 65 metres long, which is considerably further than the advice in Manual for Streets (Department for Transport, 2007), which recommends that residents should not be required to carry waste more than 30 metres to the storage point.

13. For all potential occupiers of the scheme, and in particular those of plots 3 and 4 which would be furthest from the road frontage, the distances required for moving refuse would be unacceptable. I acknowledge that this situation already exists for occupiers of the existing property, but the proposed development would intensify the use of the site from one to four properties. Furthermore, the need to transport bins over such a large distance is a particular concern in the proposed scheme, given the suggestion that the bungalows would be suitable for older residents or those with mobility problems. These occupiers may find this difficult, or even impossible.
14. I note the appellant's comments that buyers of the properties would be made aware of the situation regarding refuse collection. However, even if future occupiers were satisfied that they could undertake this task when buying a dwelling, health and mobility situations can change.
15. The Council has provided wheelie bins, but in many areas multiple receptacles are provided for recyclables and other waste, which would necessitate multiple trips. Whilst bin storage areas would be provided adjacent to each dwelling, the difficulties involved in moving wheelie bins or other receptacles for the distances required, may result in people leaving their bins on the highway verge and making journeys with smaller bags. This would result in clutter on the roadside with associated harm to the appearance of the area.
16. I conclude that the proposal would fail to provide a safe and suitable access for all users. It would conflict with Part C.1 of Policy EQ11 of the South Staffordshire Local Plan 2012 (Local Plan), which requires a high standard of access for all with safe and easy access to all potential users, regardless of ability, age or gender. There would be further conflict with paragraph 108 of the National Planning Policy Framework (the Framework), which has a similar aim.

Character and appearance

17. Houses in the surrounding area vary in type and size, with larger, detached properties in substantial plots along Stone Lane; semi detached dwellings with long rear gardens on Compton Gardens, and more modest, detached houses and bungalows in shorter plots along Church View Gardens.
18. The proposed bungalows would have a similar footprint to houses along Church View Gardens which back onto the site, but the proposed plot sizes would be smaller than many of those around. However, given the mixed character of the surrounding area, further variation could be accommodated without causing undue harm to its character.
19. The proposal would maximise use of the site, but in doing so would make efficient use of land, as promoted by Framework paragraph 122, and the submitted plan shows that the four dwellings could be comfortably accommodated. The bungalows would all have rear gardens which would be sufficient to meet the Council's Space about Dwellings Standards, whilst also providing sufficient separation from neighbouring properties. Dedicated parking and garages would be provided to the side of the properties, and space for landscaping would be retained within the layout.

20. The inclusion of bungalows, rather than houses, would limit the visual impact of the proposal, and help prevent the development from feeling overly built up or cramped.
21. Unlike other properties in the area, the proposed dwellings would not front directly onto the highway, but that is already the case with the existing house, and the view from the street would be unchanged.
22. I conclude that the proposal would not cause undue harm to the character and appearance of the area. I find no conflict with points C.e) and C.f) of Local Plan Policy EQ11, which require that proposals respect local character and distinctiveness, and respect the scale of spaces and buildings in the local area.

Other Matters

23. Concerns have been raised by neighbouring residents about the potential effects on their living conditions resulting from noise and disturbance from additional vehicle movements. However, the number of trips which the proposal would generate would be sufficiently low so as not to result in an unacceptable impact on neighbouring occupiers.
24. I acknowledge that the site is an appropriate location for housing, within the built up area of the village and a short distance from local services and facilities. I have also found that the scheme would not cause undue harm to the character and appearance of the area. However, these factors are not sufficient to outweigh the significant concerns regarding the adequacy of the access.

Conclusion

25. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

R. Morgan

INSPECTOR