



Appeal Decision

Site visit made on 16 December 2013

by C Preston BA (Hons) BPI MRTPI

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

Decision date: 19 December 2013

Appeal Ref: APP/W0530/D/13/2208086

The Bungalow, High Street, Horningsea, Cambridge, Cambridgeshire, CB25 9JG

- 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 Dinah Asplin against the decision of South Cambridgeshire District Council.
 - The application Ref S/0827/13/FL was refused by notice dated 12 August 2013.
 - The development proposed is: The introduction of a dropped kerb to provide private access to the curtilage of 'The Bungalow'.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new access to the highway at The Bungalow, High Street, Horningsea, Cambridge, Cambridgeshire CB25 9JG in accordance with the terms of the application, Ref S/0827/13/FL, dated 17 April 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), and detailed Block Plan (1:500 ref: BW1-00218790).
 - 3) Prior to being brought into use, the vehicular access shall be drained and hard surfaced to prevent surface water or loose material reaching the highway in accordance with details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the access shall be maintained in that condition whilst ever the use subsists.
 - 4) Prior to the vehicular access being first brought into use, vehicle to vehicle visibility splays shall be achieved on either side of the point of access onto the High Street, in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

Application for costs

2. An application for costs was made by Mrs Dinah Asplin against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The proposed works include the construction of a new access, including a dropped crossing and driveway across the highway verge. I consider that the description given on the application form does not fully describe the works proposed and have therefore amended the description of development within my decision, using the description given by the Council which accurately reflects the development proposed.

Main issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The bungalow is a detached dwelling, situated on the southern edge of Horningsea, adjacent to the B1047. The village has a linear form and buildings straddle either side of the road as it runs to the north. Outside of the village, the road has the character of a rural lane, running from the northern edge of Cambridge, across the A14 trunk road, through Horningsea and on to the villages of Clayhithe and Waterbeach further north. A 30mph speed limit applies through the village and this restriction commences to the south of the appeal site. A change in the surface colour and texture of the carriageway also marks the entrance to the village.
6. Currently, The Bungalow has a shared driveway with The Boundary – a modern detached dwelling situated to the north. A garden centre and retail outlet is situated adjacent to this dwelling, with a substantial car park with access onto High Street. Private access points directly onto the highway are common throughout the village, many of which have restricted visibility at the point of access due to the historical arrangement of buildings. I also noted that car parking is unrestricted on High Street within the vicinity of the appeal site.
7. The Council are satisfied that adequate visibility splays can be achieved at the point of access and that drivers passing through the village would have an expectation that multiple points of access onto the highway would be present. The reason for refusal relates to the conflict between the creation of a new point of access and the function of the highway which, the Council suggest, is to carry traffic freely and safely between centres of population.
8. Although I note the classified status of the road, no evidence has been presented to demonstrate that the route has a wider strategic status that would preclude the principle of new access points being created within the village. Similarly, no specific local planning policy has been referred to that prevents new access points onto classified roads within the district. In fact, I note that the development management engineer from the local highway authority confirmed to the appellant's highway consultant that the High Street in Horningsea does not have any specific status to differentiate it from any other adopted public highway (email correspondence between Dr Jon Finney and David Rutherford 28 October 2013).
9. I have considered advice set out within *Manual for Streets* (2007) which recommends that a general preclusion against points of direct access onto streets within a 30mph limit should only be considered where the number of vehicle movements exceeds 10,000 per day. No traffic counts relating to the road have been put forward by the Council. At the time of my visit, the level of through traffic was relatively light, with a significant proportion of vehicles visiting the adjacent garden centre. Whilst this only represents a snapshot of time, given the nature of the road, I consider that traffic is unlikely to exceed the recommended threshold within *Manual For Streets*.

10. On the evidence before me, I am satisfied that the proposed access would not have a detrimental effect upon highway safety or lead to any conflict with the flow of traffic. As noted above, a large number of access points exist within the village, many of which have comparatively poor levels of visibility due to the historic arrangement of buildings. Despite this, I note that the accident record within the village for the last five years shows only two slight accidents, the nature of which would not appear to be directly attributable to the number of access points or any conflict with the free flow of traffic.
11. A condition to secure visibility splays at the point of access has been put forward by the Council. Based upon the speed surveys undertaken by the appellant, it would be necessary to reposition the existing sign and gateway at the entrance to the village to achieve adequate levels of visibility. The appellant is willing to cover the cost associated with this work. I am satisfied that such measures are necessary in the interests of highway safety and see no reason why they would not be capable of implementation. Accordingly, I have attached a condition to my decision. I also consider that a condition is necessary to ensure that the driveway is drained and hard surfaced to prevent surface water and loose material reaching the main carriageway, in the interests of highway safety.
12. In view of the above, I am satisfied that the proposed means of access would not lead to any significant conflict with the flow of traffic on the highway and that there would be no adverse impact upon highway safety. Consequently, the proposal would comply with Policy DP3 of the South Cambridgeshire District Council Local Development Framework *Development Control Policies* Development Plan Document (2007) which requires, amongst other things, that development secures appropriate access from the highway that does not compromise safety.

Other Matters

13. The appeal site falls outside of the village conservation area, the boundary of which is a short distance to the north. The Council is satisfied that the proposed works would have no impact upon the character and appearance of the conservation area and I see no reason to disagree with this assessment. Consequently, I am satisfied that the proposal would preserve the special character of this heritage asset.

Conditions

14. In addition to conditions relating to visibility splays, drainage and hard surfacing (as discussed above), I attach the statutory condition relating to the commencement of work and a condition to ensure that the development is undertaken in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

Conclusion

15. In view of the above, and having regard to all other matters raised, I conclude that this appeal should be allowed.

Chris Preston

INSPECTOR