



Appeal Decision

Site visit made on 16 April 2015

by **A Harwood CMS MSC MRTPI**

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

Decision date: **01 May 2015**

Appeal Ref: APP/D1780/W/14/3001617

The Garden Cottage, Bassett Wood Drive, Southampton, SO16 3PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Holmes against Southampton City Council.
 - The application Ref 14/01688/FUL, is dated 10 October 2014.
 - The development proposed is the erection of a 4 bedroom detached dwelling at land adjacent Garden Cottage with associated works.
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Decision

1. The appeal is dismissed and planning permission is refused for a 4 bedroom detached dwelling at land adjacent Garden Cottage with associated works.

Preliminary Matters

2. The appellant intended to submit a planning obligation in the form of a Section 106 unilateral undertaking in order to resolve some of the Council's objections. An obligation has not been submitted and I return to this below.

Main Issue

3. The appeal was lodged before the Council reached its decision. However, it was subsequently confirmed that planning permission would have been refused. The reasons have been clarified. The main issue is the effect of an additional dwelling on highway safety along the track leading to the site due to the interaction between vehicles, pedestrians and cyclists.

Reasons

4. The appeal site is located in a mainly residential area in a woodland setting, with trees playing an important part in softening the character of the area. Dwellings here are set out in a pleasant suburban environment. Garden Cottage is a large traditional property and the site is within its current garden area. Following subdivision, the existing dwelling would retain a garden on its southern side as well as parking spaces, cycle and refuse stores as well as landscaped areas to the north.
 5. The appeal site is located along a track which serves as the access to Garden Cottage and also Oak House further to the south. The vehicular access to the site is from the north along the track which joins Bassett Wood Drive. The site
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is however closer to where the track joins a footpath and cycle way downhill to the south which in turn links up with the end of Bassett Green Drive. Some of the representations refer to that footpath and cycle way allowing access to the nearby university and the wider area.

6. The access track leading to the site is narrow, un-surfaced, there are no street-lights and there is no pavement or spaces for pedestrians or cyclists to wait for vehicles to pass. There is a bend to the north between the site and the junction with Bassett Wood Drive. There is a gradual slope down towards the site from the junction. It is a lane more typical of a rural area than this suburban part of Southampton but it is reflective of the wooded nature of the immediate surroundings. The physical attributes as well as the informality of the plants and shrubs alongside prevent clear visibility for the full length of the track. When I stood to the side of the brick building proposed to be demolished to create a passing bay, I could see up to and only just beyond the bend looking north. I could not see the junction. From the junction looking towards the site, I could only see as far as the bend to the south.
7. The physical condition of the track is likely to constrain the speed of vehicles using it. As well as the bend, it is narrow, has an uneven surface and in some parts there are also large tree roots protruding above the surface. This is not a through route for vehicles and many people driving down it would have some knowledge of these conditions and would drive according to them. However, the track is a more direct cut through to link up with the footpath and cycle way than going the longer way around Redwood Way. Although I have not been given direct evidence of how many pedestrians and cyclists use the track, it would seem to me to be an attractive route for them.
8. There would be some inter-visibility between drivers of vehicles coming in opposite directions and those drivers would be constrained to low speeds given the condition of the track. Currently vehicles travelling in opposite directions will result in one having to reverse to accommodate the other. Even though the appellants consider this scenario to be unlikely, it would be more likely with the traffic movements of an additional household using the track. That could require one vehicle to reverse back onto the carriageway of Bassett Wood Drive. I am concerned that cars travelling from Redwood Way may not have reasonable visibility of the emerging vehicles and drivers reversing would not see the approaching vehicles. Drivers would also have a strained view when reversing of any other users of the track or those on the footpath alongside the road which crosses the junction. It would be difficult to have a clear view of pedestrians, particularly young children and wheelchair users.
9. The additional passing place and footway proposed near the site would enable a vehicle to wait clear of the track and could improve the present conditions to a small extent at that point. However those improvements would make little difference to the longer section of the track to the north. There would be no improvement to the width of the track where pedestrians, cyclists and wheelchair users have no space to allow a vehicle which may be reversing, to pass. This would be inconvenient and dangerous for those other users.
10. In my experience, it is not unusual for residents of dwellings along private roads to have to take rubbish bins out to the nearest public road for collection. It is not clear from the representations why collection of waste and recycling bins

from the proposed dwelling would have to be by way of private collection service using a vehicle. A S106 planning obligation related to this matter would be unnecessary to make the development acceptable in planning terms (one of the Community Infrastructure Levy or 'CIL' tests).

11. The way in which the Council dealt with a previous application for two smaller dwellings makes no difference to my consideration of the merits of this case. I am concerned that an additional dwelling would make existing highway safety problems even worse. In relation to the main issue, the proposal would result in a further deterioration of highway safety along the existing access due to increased use and interaction between vehicles, pedestrians and cyclists. Policy SDP4 of the City of Southampton Local Plan Review adopted version March 2006 (LP) requires development to only be permitted where access is provided that gives priority to pedestrians, disabled people and cyclists before private transport. This proposal would not achieve that. The proposal would also not comply with LP policies SDP1, SDP11 and T12 or the advice of the National Planning Policy Framework to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Other Matters

12. The proposals were revised during the planning application process to ensure that impacts upon ecology nearby would be safeguarded. In particular the effects of light pollution would be reduced. The Council has also required a financial contribution of £172 towards the Solent and Southampton Water SPA and Solent Maritime SAC although the appellant has not submitted the S106 planning obligation. I am told that an increase in population and therefore potential recreational activity in these areas can have an adverse impact upon bird species within these designations. The Council has not provided much evidence or documentation related to the Solent Disturbance Mitigation Project. It is not clear in this case given the evidence provided, whether the proposed development would lead to such impacts. It is not clear whether the requested financial contribution would meet the CIL tests¹ or not.

13. The design of the proposed dwelling would be modern and I did see other examples of flat roofed modern dwellings within Bassett Wood Drive which has a varied character. The distinctive nearby trees could be safeguarded during construction. The proposal would therefore have an acceptable impact upon the character and appearance of the area. I also consider the proposal would safeguard living conditions at other nearby dwellings. However, these neutral factors do not outweigh my conclusions on the main issue.

Overall Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Harwood

INSPECTOR

¹ Necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
