



Appeal Decision

Site visit made on 18 December 2007

by John Papworth

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

WEALDEN DISTRICT COUNCIL		
4 JAN 2008		
NOTICE	BY	
	BY	
Architect (PLANNING AND BUILDING CONTROL)		

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Decision date:
3 January 2008

Appeal Ref: APP/C1435/A/07/2053495

Queen's Cottages, Wadhurst East Sussex TN5 6TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by PDL against the decision of Wealden District Council.
- The application Ref WD/2007/1703/O, dated 8 June 2007, was refused by notice dated 27 July 2007.
- The development proposed is improvement of existing access road, demolition of existing garages, construction of 2x2 bed semi-detached houses, 2x3 bed semi detached houses, 1x3bed semi detached house, 1x2 bed semi detached house, 2x3 bed affordable terrace houses, 1x3 bed shared ownership terraced house, provision of hardstanding for 65, 67, 73 and 75 Queen's Cottages, provision of cross-overs for 71 and 85 Queen's Cottages retention of garage to no 69 Queen's Cottages.

Decision

1. I allow the appeal, and grant outline planning permission for improvement of existing access road, demolition of existing garages, construction of 2x2 bed semi-detached houses, 2x3 bed semi detached houses, 1x3bed semi detached house, 1x2 bed semi detached house, 2x3 bed affordable terrace houses, 1x3 bed shared ownership terraced house, provision of hardstanding for 65, 67, 73 and 75 Queen's Cottages, provision of cross-overs for 71 and 85 Queen's Cottages retention of garage to no 69 Queen's Cottages at Queen's Cottages, Wadhurst East Sussex TN5 6TZ in accordance with the terms of the application, Ref WD/2007/1703/O, dated 8 June 2007, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the siting, design and external appearance of the buildings and the landscaping of the site, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) No work shall be carried out on the site until provision has been made available within the site, in accordance with details to be approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant, vehicles and stacks of materials associated with the

development and such provision shall be retained and used for those purposes throughout the period of work on the site.

- 5) Before any groundworks or demolition of buildings and structures commences in relation to the development hereby approved, full written details for a Code of Construction Practice shall be submitted to the Local Planning Authority for approval, setting out measures to mitigate potential adverse impacts from construction, including protection of retained features, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing, wheel washing facilities, sheeting of lorries during transportation of construction materials, provision of water sprays during delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal. The approved Code of Construction Practice shall be implemented throughout the period of work on site.
- 6) Before preparation of any groundworks or foundations for the new dwellings hereby approved, the existing garages, fences, sheds and greenhouses shall be demolished and all materials arising shall be removed from the site (or be retained in a position on site to be agreed by the Local Planning Authority in writing).
- 7) At the same time as the submission of the first of the reserved matters full details, including design calculations and construction details, for the disposal of surface water which shall include the provision and implementation of a surface water regulation system and storage facility shall be submitted to the Local Planning Authority in writing for approval; the implementation of such details as approved shall be subject to soil/porosity tests for all soakaways, as deemed necessary by the Local Planning Authority, and the development shall not be occupied or used until written notice has been received from the Local Planning Authority confirming compliance of both the porosity tests and the completed surface water drainage measures to the approved scheme. The rate of run-off to any watercourse from the developed site shall be limited to the rate of run-off prior to development and the scheme designed to attenuate the 1:100 year storm plus 20% allowance. Infiltration rates for soakaways to be based on permeability tests undertaken over the winter period and not those done during the drier months. The design needs to be based upon BRE365 "Soakaway Design" and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway and the highest recorded water table, and also have provision to ensure there is capacity in the system in accordance with PPS25 'Development and Flood Risk'.
- 8) Details for the long term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving, land drains) to be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted and the maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

- 9) At the same time as the submission of the first of the reserved matters, written details of measures for energy and water conservation within the development shall be submitted to the Local Planning Authority for approval and the development shall be carried out in accordance with the approved details.
- 10) Before preparation of any groundworks or foundations for the dwellings, the new access shall be completed to base course level, together with the surface water and foul sewers in accordance with a scheme which has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
- 11) Details for the long term maintenance arrangements for any vehicular access or parking areas which will not be adopted shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted and the management of these areas shall be carried out in accordance with the approved maintenance arrangements over the period specified.
- 12) The garage/parking areas shall be used solely for ancillary domestic storage and/or vehicle parking purposes incidental to the occupation and enjoyment of the dwelling units which they serve and shall not be used for nor in connection with any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written consent of the Local Planning Authority.
- 13) Prior to the felling of any trees on site, a bat survey shall be undertaken by an agreed expert to determine presence or absence of roosting or hibernating bats. Details of appropriate mitigation measures and contingency plans should be submitted and agreed in writing by the Local Planning Authority. Should bats be found, the appropriate mitigation measures and contingency plans shall be implemented in accordance with the approved details.
- 14) No disturbance of soil, roots or vegetation in respect of the development hereby approved, shall take place until full details of measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such, have been submitted to and approved in writing by the Local Planning Authority. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme.
- 15) The development hereby approved shall not be occupied until the off street parking for Nos 87 and 89 Queen's Cottages has been completed as shown on drawing 687.005/PL52 or as otherwise agreed in writing by the Local Planning Authority.

Main Issues

2. I consider the main issues in this appeal to be;
 - The effect of the development on parking and the free flow of traffic.
 - The effect of the development on the living conditions of neighbouring residential occupiers with particular regard to privacy.

Reasons

3. The application is in outline with the use, amount of development and indicative access points for consideration now. The site is made up of open land, part of residential gardens and garages associated with the existing development, and the Council's Notice of Decision gives fuller details of the address of the site and its relationship with existing dwellings. I have also taken account of information, including the 'Junction Capacity Study' dated September 2007, provided by the appellant to this appeal which responds to the comments of the highways authority made at a late stage in the application process and which was not able to be submitted prior to the Committee meeting. I consider this later information has been available for inspection and comment by local residents and others who may have an interest in this appeal.

Highway

4. The proposed development would introduce additional residents to the area served by the road network and thus would result in additional car and pedestrian movements. In line with advice in PPG13 "Transport" I consider that the safety and needs of all in the community should be considered. I note however that this site is within the development boundary, makes use of some previously developed land and some land that appears under-used and which I consider detracts from the character and appearance of the area. The site is within walking distance of local services and whilst the route to the railway station is unlit, I consider that there is opportunity to gain access to public transport without relying on the private car.
5. Dealing first with the various junctions and lengths of road, the access from the main part of the site to Queen's Cottages would be upgraded and would be acceptable. The highway authority considers that it would be to current recommended standards. It would be close to the closed end of the *cul-de-sac* and the addition of the traffic generated by the proposed dwellings would not have an unacceptable effect on existing users of the upper part of the road. There would remain the option of walking either to the main road or by way of the alleyway to Old Station Road.
6. Queen's Cottages is a narrow road and due to the configuration of plots, particularly to the north side between the site and Jonas Lane, where front gardens are higher than the road, there appears to be little scope for off-road parking. As a result, the parking that I saw was almost entirely to one side of the carriageway, having to accommodate the vehicles associated with properties on both sides of the road. This leaves a single width of roadway for both directions of traffic at times when there are a lot of parked cars. I note that the appellant has supplied a photograph of little parking, whilst local residents have supplied similar views with considerable parking. My experience at the time of my inspection was of considerable parking. Provided cars are not parked in a way that causes an actual obstruction, and this should be addressed in any event to ensure the safe passage of emergency vehicles, I consider the layout to result in safe, slow movement of vehicles within a residential area. The accident statistics confirm this. On the information before me, I do not consider that the addition of the proposed numbers or

types of properties would be such as to significantly worsen the situation with regard to the flow of traffic or highway safety.

7. At the outer end of Queen's Cottages, there is the staggered junction of Jonas Lane and the *cul-de-sac* Bankside. All of the vehicular traffic generated by development would need to pass this point. The highway authority states that work within the highway boundary could be carried out to cut back foliage to the north east to provide visibility to the required standards. I am of the opinion that this junction would be capable of accommodating the additional traffic generated without undue adverse effects.
8. At this point there is a choice of vehicular routes, to gain access to services and wider travel possibilities, including the station car park. I consider that a robust assessment has been of the traffic likely to affect Jonas Lane and the next junction with High Street (B2099) and Mayfield Lane (B2100). That junction gives access to a main road running through the village. I consider also that robust assumptions have been made on the direction of turning movements at the junction. Whilst I can see that there would be additional use of Jonas Lane and the junction, I do not concur with the view of the highway authority that any development likely to introduce additional traffic movement using Jonas Lane is undesirable. I consider that the later assessment from the appellant demonstrates that the increase likely to be attributed to the development is acceptable and capable of being safely accommodated without causing significant adverse effects on the free flow of traffic.
9. There would be some alterations in the type, location and number of parking spaces available throughout the Queen's Cottages area. The proposed development would result in the loss of garages. I have read of, and looked at, the use of the garages, together with the other areas of parking on the road and in other garage courts. As stated previously, there does appear to be pressure on parking at times. Nevertheless, this application is in outline, and whilst I am of the view that the number of dwellings, the mix of bedroom sizes and the mix of terraced or semi-detached properties forms part of the application, the location and distribution of parking spaces, including those for existing dwellings, would be a matter for the submission of further details at the appropriate time. It appears to me that notwithstanding the constraints of the site, surrounding properties and natural features such as the protected oak tree, there is sufficient room on the site to be able to provide the additional parking spaces without causing harm. A negatively worded condition in addition to those suggested by the Council could ensure that additional parking spaces to numbers 97 and 89 are provided.
10. The Council's reason for refusal refers to various policies of the Development Plan and Structure Plan Policies TR1 and TR3 contain a number of strategic aims to reduce travel and place development in areas where there is access to services. This site is within a developed area with access to transport and services, and reliance of the private car would not be essential for many journeys. Where there are effects that can be identified, Policy TR3 requires that road safety, and traffic congestion and parking problems not be significantly worsened. It is my judgement that these matters would not be significantly worsened. Local Plan Policies TR3 and TR16 set more detailed requirements for access, parking and servicing. I conclude that the proposed development, subject to conditions appropriate to this outline application, and

to the provision of detailed siting and other information, would not significantly adversely affect highway safety and the free flow of traffic, whilst providing additional dwellings in a sustainable location, and hence would accord with the aims of PPG13 and the Development Plan policies detailed.

Living Conditions

11. I have read representation from local residents on the effect of the development on privacy, in addition to other effects such as noise, the use of services and habitats. These matters are not supported by the Council in the reasons for refusal and I concur with the comments in the officer's report regarding the adequacy of the further information supplied with this application which was considered to overcome previous objections. Whilst this is an outline application, I accept that in order to accommodate the nine dwellings of the type described there may be little opportunity to change the site layout appreciably. There may well be dwellings close to site boundaries, including that to Fieldhaven, and there is only a narrow garden before further garden areas at Cherry Hinton. However, these are long rear gardens and the proposed dwellings would be some way from the areas around the rear windows, and at a lower ground level. In addition, consideration of the detail design and arrangement of windows and boundary treatment could avoid harmful overlooking. Other matters raised by residents could be addressed either by conditions attached now or by the submission of further details.

Conditions

12. The Council has put forward various conditions similar to those which were set out in the committee recommendation for approval. There are conditions which require the submission of details, and I consider it appropriate to link these to the submission of the first of the reserved matters to ensure consideration of an integrated design solution. With reference to the drainage details, these need to be in accordance with advice now contained in PPS25 "*Development and Flood Risk*" which superseded the Planning Policy Guidance Note referred to by the Council. I consider it reasonable to control the use of garages to ensure that they are available as designed, to avoid increased pressure on parking, and that whilst information on bats and reptiles has been supplied, a requirement should remain for this to be updated prior to development. The appellant suggested an additional condition regarding off-street parking for numbers 87 and 89 Queen's Cottages. In view of the continuing concerns of the Council and residents over parking, I consider this necessary and I have allowed for these spaces in my consideration of the appeal.

Conclusions

13. The development would provide housing that makes use of previously developed land within a built-up area, and, with conditions and the submission of detailed design and layout, would ensure the protection of the living conditions of neighbouring occupiers. There would be changes to the character and appearance of the area and to the traffic using the road system, but these changes are not significantly adverse so as to outweigh the benefits of the scheme and its location. Development as proposed would accord with Development Plan policies and Central Government guidance which seek

sustainable development and better use of land whilst safeguarding matters of concern to existing residents and hence for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

S J Papworth

INSPECTOR