

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

08 December 2010

Report of the Legal Services Partnership Manager

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **Woodgate Road, Addington**
Appeal **Against the refusal to grant planning permission for the erection of two chalet-style detached houses, each with a detached garage**

Appellant **Andrew Fry**

Decision **Appeal dismissed**

Background papers file:
PA/20/10

Contact: Cliff Cochrane
01732 876038

The Inspector considered the main issues in the appeal to be:

- the effect of the proposal on the openness and visual amenity of the Green Belt and the character and appearance of the countryside;
- the effect on sustainable travel patterns;
- the effect on bats;
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt and countryside

The site is in the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty (AONB). It is in the countryside, being outside the settlement boundary of Addington. The site lies close to the junction of Woodgate Road and The Paddocks and currently accommodates two single-storey buildings which have a Certificate of Lawfulness (LDC) for "use for storage purposes falling within Class B8" of the Town and Country Planning (Use Classes) Order 1987 (UCO). The site abuts a recent development of five detached houses to the south

west and open fields to the east, on the other side of which there are three new houses (at East Street).

The proposal involves replacing the existing buildings on the site with two detached chalet-style houses, each with a detached double garage.

The combined footprints of the houses and garages would be some 36% less than those of the current buildings and the development would be less in floor space and volume terms too. To that extent, the proposal would enhance the openness of the site and of the Green Belt. However, the houses would be substantially higher to the roof ridge than the existing long, low barn building in particular and would have a significantly greater visual impact on this prominent site, notwithstanding retained vegetation and the scope for further hedging and landscaping. The Inspector was not persuaded that a condition on slab levels, or the backdrop of existing houses from certain perspectives, would mitigate the impact sufficiently. Moreover, while the addition of structures in the gardens could be controlled by condition, residential use would be likely to result in the intrusion of a variety of domestic paraphernalia at odds with the largely open and rural character of the area.

Although the proposal would appear as a continuation of the existing housing development in The Paddocks, with dwellings and garages of similar style and scale, it would extend the development nearer Westgate Road. While the existing buildings on the site are of no great architectural merit they have a rural feel in keeping with their former agricultural function and countryside location. The Inspector did not consider them visually intrusive or incongruous in juxtaposition with the more recent houses. Indeed, much of the low barn adjacent to The Paddocks is screened by a high fence and vegetation. He was not persuaded that the LDC permits open air storage as it appears to be limited to the buildings themselves. While the presence of commercial vehicles on site (in connection with the lawful use) would have some visual impact they are not likely to be large or numerous given the constraints of the site and the nature of local roads.

Overall, therefore, the Inspector considered that the proposal would damage the visual amenity of the Green Belt and the rural character of the area. While it would be largely compatible with the purposes of including land in Green Belts (as set out in PPG2), and it would enable reuse of a currently developed site for housing purposes, the relevant development plan policies do not support replacement of non-residential buildings in the countryside with the residential development proposed. LDF CS Policy CP14 restricts development in the countryside to defined categories, which the appeal proposal falls outside.

The Inspector appreciated that permission was given for the houses in The Paddocks and the East Street ones mentioned above, also located in the Green Belt, AONB and the countryside. It appears that the site of the former was already in residential use for caravans or mobile homes and the latter was a scrap yard.

While these developments are certainly visible from the surrounding area, and he took them into account, he did not consider their position or previous site uses directly comparable to those of the appeal scheme, which he determined on its individual merits.

The Inspector concluded that while the proposed development would not be materially harmful to the openness of the Green Belt it would be materially harmful to its visual amenity and to the character and appearance of the countryside. As such, it would conflict with the objectives of LDF CS Policies CP1, CP3, CP14 and CP24.

Sustainable travel

The proposed houses would be remote from local service centres. There would be limited scope for residents to walk, cycle or use public transport. Woodgate Road is a narrow one without pavements in any event. At the Hearing, the appellant accepted that occupiers of the houses would be reliant on the car for their travel needs. The Inspector recognised that a similar point may apply to the existing housing developments at The Paddocks and East Street. However, as noted above, the site of the first was previously in residential use (for the same number of units) and he had no reason to doubt that the scrap yard use of the East Street site generated high levels of traffic. In any event, he did not consider the existence of these developments to be a reason for encouraging further residential development in an unsustainable location.

The Inspector concluded that the proposed development would have a materially harmful effect on sustainable travel patterns. As such, it would conflict with the objectives of LDF CS Policy CP1 and of Policy DC2 of the LDF *Managing Development and the Environment* Development Plan Document, adopted in 2010.

Bats

The ecological scoping survey, submitted with the application, provided evidence that long-eared bats had been present on the site within the last year, although no bats were seen at the time of the survey. Recommendations were made for further survey work together with collection of existing data on the local bat population. The Inspector shared the view of Natural England that the further work should be carried out to inform the planning decision rather than left to be dealt with by condition or otherwise picked up through the licence application process. Circular 06/2005 makes clear that, where there is a reasonable likelihood of protected species being present and affected by the development (as in this case), surveys should be completed and any necessary measures to protect the species put in place before planning permission is granted. Surveys should only be left to planning conditions in exceptional circumstances, which do

not apply here. He therefore concluded that the proposed development would have a materially harmful effect on bats.

Other considerations

The appellant says that the proposal would improve openness and visual amenity by replacing the existing buildings with ones of reduced footprint more in keeping with adjacent residential development, which it would complete, and enhance the screening of a prominent site in the AONB. The Inspector agreed that the site is fairly open from some perspectives but, as discussed above, he did not consider that it currently has “a severely detrimental impact” on visual amenity or that existing landscaping is “wholly inappropriate”. Indeed, the trees close to the shed (which the scheme would remove) form a prominent group contributing positively to the appearance of the site and the surrounding area. The existing buildings are of rural appearance in a rural location and were there before the nearby houses were approved. Although the LDC for B8 storage use was issued subsequently he did not consider (as noted above) that it covers storage in the open outside the buildings. He also found that while footprint would be reduced (and to that extent enhancing openness) the scale of the houses proposed would be damaging to visual amenity, notwithstanding the opportunity for further screening. Overall, therefore, he gave these matters limited weight in favour of the proposal.

The appellant also says that the proposed housing would generate less traffic than the existing lawful use and reduce potential noise disturbance to neighbours. The Inspector agreed that the buildings are not currently used to their full potential for the lawful use and that there would, in principle, be scope for subdivision and intensification, provided that no material change was involved. He also agreed that, while the LDC refers expressly and only to storage, that would not preclude use of the flexibility which the UCO provides for distribution (also falling in Class B8) or limited change to Class B1 business use. There is thus the potential for a greater level of activity on the site, and related comings and goings, than there is now and he noted that there is no restriction on hours. At the Hearing, the appellant indicated that, if the appeal were dismissed, there was a realistic prospect of making greater use of the buildings to generate income. He had no reason to doubt it.

That said, the size and configuration of the site and extent of hardstanding limit the number and size of vehicles that could reasonably be accommodated. The site entrance is close to Woodgate Road, at the end of the cul-de-sac away from the existing houses in The Paddocks, and the buildings on the site lie between the houses and areas that might be used for parking. The building entrances are also on elevations away from the houses. Moreover, the design and nature of the buildings appear to pose some practical limitation on the extent to which they could be used (eg for B1 purposes) without making material changes. The Inspector agreed that one end of the barn is relatively close to the corner of No 1 The Paddocks and noted the point that it lacks adequate soundproofing. In the

event of any noise problems arising, these could be addressed under Environmental Protection legislation. The barn is roughly in the position of the plot 2 garage and access drive in the appeal scheme and their use could also give rise to noise disturbance.

The Inspector agreed, therefore, that there is potential for fuller lawful use of the existing buildings. However, in the absence of clear evidence, the effects are largely a matter of speculation. In light of the above, he was not persuaded that (even with employees on site) traffic generation would necessarily be markedly greater than that from two four-bedroom dwellings in an unsustainable location dependent upon the car or that noise disturbance of neighbours would necessarily be significantly greater than the proposed residential use of the site, including their gardens. He therefore give these matters no more than moderate weight in favour of the proposal.

Conclusions

PPG2 states that harm caused by inappropriate development carries substantial weight. The Inspector also considered that the harm he found to visual amenity and rural character and appearance, to sustainable travel, and to bats carry substantial weight. By contrast, the other considerations carry little or moderate weight. He did not consider that these considerations, either individually or in combination, are sufficient to clearly outweigh the harm. There are thus no special circumstances to justify the development.

For the reasons given above and having regard to all other matters raised, including comments from third parties, the Inspector concluded that the appeal should be dismissed.

1.2 Site: **2 School Lane Cottages, School Lane, Shipbourne**
 Appeal **Against the refusal of planning permission to demolish existing sub-standard timber built room and erect a two-storey rear extension with a plain tiled catslide roof; overall new footprint to be similar to adjoining extension at No. 1**

Appellant **Jacob Cutts**

Decision **Appeal dismissed**

Background Papers file : PA/34/10

Contact: Cliff Cochrane
 01732 876038

The Inspector considered that the main issues in the appeal to be:

(i) whether the proposal would be inappropriate development for the purposes of PPG2 and development plan policy;

(ii) the effect of the proposal on the openness of the Green Belt;

(iii) the effect of the proposal on the appearance and rural setting of the dwelling;
and

(iv) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

The appeal site lies in a rural area within the Green Belt and an Area of Outstanding Natural Beauty where Policies CP1, CP3, CP14, CP24 of the Tonbridge and Malling Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD deal with sustainable development, the Green Belt, development in the countryside, and achieving, protecting and enhancing a high quality environment. Government policy in Planning Policy Guidance 2: *Green Belts* (PPG2) states that there is a general presumption against inappropriate development in Green Belts, except in very special circumstances. Limited extension or alteration of buildings is not inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building.

Green Belt

The appeal property is a two-storey semi-detached cottage with a two storey side extension and a single storey rear extension linking to a former outbuilding. The proposal would demolish part of the rear extension and construct in its place a two-storey rear extension, and also a single storey side porch. The rear extension would occupy almost the full width of the original building and the existing side extension.

The Council states, and the appellant does not dispute, that the floor area of the original dwelling is about 84 square metres, while the cumulative area of the existing and proposed extensions would be some 120 square metres. The size of the original building would thus increase by approximately 143%. Although those parts of the development plan to which the Inspector was referred do not set out guidelines for what is to be regarded as disproportionate, the resulting increase in size would so far exceed the size of the original building that, in his opinion, the proposal must be considered disproportionate. The proposed development would thus be inappropriate in the Green Belt and, by definition, harmful to it. He attached substantial weight to this harm.

Effect on openness

Having regard to the size, scale and bulk of the proposed extensions, the development would intrude significantly into the Green Belt reducing its openness.

In the Inspector's opinion, therefore, additional harm arises in this respect, and, as openness is the most important attribute of Green Belts, he attached substantial weight to this also.

Effect on appearance and rural setting

While the rear extension would not be readily visible from the road, the existing and proposed extensions taken together would dominate and surround the original dwelling. They would result in a large building that would fail to respect the scale of the original dwelling. However, in view of the extension to the adjoining building, No 1, the impact of the proposal, when seen from public viewpoints, would be reduced.

Moreover, although the side porch would add to the overall width of the building, it would be a small structure set well back from the frontage. Its impact on the appearance of the building would be small. The Inspector concluded on this issue, therefore, that the proposed development would adversely affect the appearance and rural setting of the original dwelling, contrary to the policies cited above. However the resulting harm would be slight and he attached little weight to it.

Other considerations

The appellant states that the development has been proposed to improve energy efficiency, optimise year round use of the kitchen and provide additional living accommodation. While this may be so, these criteria could be applied equally to buildings outside the Green Belt; they are not, in the Inspector's view, reasons for permitting development inside the Green Belt, and therefore attract very little weight.

The appellant contends that the proposed development is comparable to the extension constructed in recent years at the adjoining house, No 1. However, this side and rear extension is to a different design and is set back from the front of the original dwelling. While the proposal would be of the same depth and would reflect some details of construction, it would not reintroduce the symmetry of a semi-detached pair, in part due to the greater width of the appeal dwelling.

Furthermore, although no dimensions have been specified, the submitted drawings appear to indicate that this extension occupies a significantly smaller footprint than would result from the existing and proposed extensions at No 2. In view of this lack of similarity the Inspector attached little weight to this also.

Conclusion

The Inspector concluded therefore that no other considerations have been presented that clearly outweigh the harm caused so as to amount to the very

special circumstances necessary to justify the development. The proposed development is thus contrary to the policies and guidance cited above, and the appeal fails.

- 1.3 Site: **Land north of Mill House Lane, Addington**
 Appeal **Against the refusal of planning permission for the erection of one detached dwelling**
 Appellant **Mr Tony Wilson**
 Decision **Appeal dismissed**
 Background Papers file : PA/09/10 Contact: Cliff Cochrane
01732 876038

The parties agreed that the proposal represents inappropriate development in the Green Belt, in terms of national 1 and local 2 policy. The Inspector concurred with that view and the main issue therefore was whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

The site is an area of overgrown land at the rear of houses which are clustered around The Green, in the centre of Addington. Access is by way of a narrow roadway which serves other properties.

The site is outside the defined village boundary and is within the Green Belt. As stated above, the proposal is an inappropriate form of development. There is a general presumption against inappropriate development which is, by definition, harmful to the Green Belt, and it is for the appellant to show why permission should be granted.

In addition to the harm caused by reason of inappropriateness, there would be additional harm to the openness of the area – which is the most important attribute of Green Belts. Aside from an implied suggestion of a former building on the site, to which the Inspector will return below, it is clear that the land has never been developed. Although well screened from public view, it is self-evident that the construction of a dwelling on an undeveloped site would harm openness.

The appellant has stated that the proposed dwelling – shown on the indicative plan as being towards the southwestern corner of the site - would ensure that the new dwelling would be part of the group of existing houses. It is suggested that it would in effect be an infill development. However, leaving aside the merits of developing this particular part of the site, this is an argument which could be repeated too often outside village boundaries and within the Green Belt. It would represent encroachment into the countryside – the avoidance of which is one of the purposes of including land in the Green Belt.

The fact that the site is currently well screened would minimise the visual impact of the development on the character of the area. However this is a very limited benefit as there is no guarantee that the boundary vegetation would remain in perpetuity. In any event, this does not affect the issues of principle related to inappropriateness and openness.

The site has apparently been used in the past for unauthorised dumping of garden waste by unknown persons. The Inspector saw some evidence of this on his visit. However this can be controlled by other means, and does not add any significant weight to the arguments in favour of the proposal.

The appellant has drawn attention to the fact that the vehicle access is limited in length, and that the site is close to The Green. Whilst this is correct, the presence of an adequate, if restricted, access does not add any significant weight to the proposal.

Finally the submitted plan shows the “site of original dwelling” on the eastern side of the appeal site. However this was not otherwise mentioned by the appellant. There is no evidence on the site of any former building in this location. The Council has stated that, although there appears to be some sort of structure shown on a 1897 map, there is nothing shown on a 1936 map or subsequently. There is also no evidence that any structure was a dwelling. These matters have not been commented on by the appellant, and in the absence of any evidence to the contrary the Inspector gave this matter no weight.

The considerations set out above do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the effect on openness. Very special circumstances to justify inappropriate development do not therefore exist.

For the reasons given above the Inspector concluded that the appeal should be dismissed.

The application by the appellants for an award of costs against the Council was refused.

- 1.4 Site **Land to rear of 56 Town Hill, West Malling**
 Appeal **Against the refusal of planning permission for two detached houses and garages**
 Appellant **Middlefields Ltd**
 Decision **Appeal allowed and planning permission granted**
 Background papers file: PA/26/10 Contact: Cliff Cochrane
 01732 876038

The Inspector considered the main issues to be:

(a) whether the proposed development, by reason of its scale, mass and bulk would have a detrimental impact on the visual amenities of the locality and/or an adverse effect on the character and appearance of West Malling Conservation Area; and,

(b) whether the proposal would have a detrimental effect on the amenities of occupiers of neighbouring dwellings.

Reasons

Issue a)

The appeal site comprises a rectangle of land lying to the rear (north-west) of nos.56 and 58 Town Hill. Access to the site would be off a private drive between two frontage properties nos.46 and 56 Town Hill. This private drive also serves 48, 50, 52 and 54 Town Hill; 4 substantial modern detached residential properties located east and north-east of the appeal site. These properties, along with those in Town Hill Close, form part of the development in depth on the north-western side and to the rear of older development fronting Town Hill.

To the north-west and west of the appeal site are nos.60 and 62 Town Hill. These are also served by a private drive off Town Hill. This drive abuts the appeal site and the curtilage of no.58 Town Hill. It also provides access to substantial commercial premises (car sales and repairs and associated parking) which extend for some 90m back from the Town Hill frontage. The Inspector was satisfied that, in principal, residential development on this area of underused land within what is otherwise a substantially built up part of West Malling with good access to the town centre would not be in conflict with Core Strategy policy CP12. This policy permits housing development within the confines of West Malling.

When viewed from the access drive, the appeal site has a width of some 54m and is similar in width to the combined width of the plots of the two facing dwellings nos.48 and 50. Moreover, following recent alteration to no.48, the amount of built frontage occupied by 48 and 50 is substantially greater than that of the 2 dwellings and garages comprising the appeal proposals; the layout, scale and appearance of which is for consideration at this outline application stage. The Inspector concluded that the density of development proposed would not be out of keeping with that of surrounding development.

Both of the proposed dwellings would have a height of approximately 8m to the ridge; slightly less than that of no.54 which appears to be some 8.5m to the ridge. The site falls some 4m from south-east to north-west. The house on Plot 2 would be set about 1m below existing ground level at its south-eastern side, with the cut into the site being slightly less on its north-western side. The development terrace for Plot 1 would be some 1m below that of Plot 2; being slightly below existing ground level at its front and raised some 600mm above at the rear to accommodate the further fall in levels across this part of the site. The Inspector concluded that the appeal proposals would not appear out of scale or out of

character with surrounding development. The conventional design and use of traditional materials would also accord with Core Strategy policy CP24.

Views of nos.56 and 58 Town Hill from the appeal site are limited by a combination of fences and hedges and the distance between those dwellings and the appeal site; the rear garden of no 58 being over 50m in length, while that of no.56 is over 44m in length. The boundary of no.56 with the private drive is formed by a substantial brick wall. The appeal site is separated from no.56 by a substantial wooded fence and from no 58 by a substantial hedge. He concluded that the appeal proposals would have no detrimental impact on the setting of those 2 listed buildings. No.58 is also referred to as a focal point within the Conservation Area. However, from the conservation area appraisal it would appear that this relates to views and vistas in High Street and Town Hill, and these would be unaffected by development on the appeal site.

The dwelling on Plot 2 would lie within the West Malling Conservation Area. However, the Inspector has already concluded that the proposed development would not be out of keeping with the character of surrounding development. Moreover, it would have no detrimental impact on public views into the conservation area. While the Council has expressed concern about the visual impact of the semi detached pair of garages, these are single storey and would be seen against the backdrop of the trees and vegetation which form the southerly boundary to the appeal site. He concluded that the proposal would maintain the character and appearance of the conservation area, have no detrimental impact upon it, and comply with the terms of Core Strategy policy CPSQ1.

Issue b)

There would be no loss of amenity due to overlooking of any neighbouring gardens or dwellings from windows in the 2 proposed dwellings. To the extent that there would be potential for the overlooking of no.54 from windows in the side elevation of the dwelling on proposed Plot 1, those windows are to a utility room and two bathrooms and they could be obscure glazed. As there are no first floor windows in the side elevations of the proposed dwelling on plot 2 there would be no overlooking of the gardens to nos.56 and 58.

No.60 is a chalet bungalow with some of its windows facing in a south-easterly direction over the appeal site. At its closest, that dwelling is some 5m from the appeal site boundary, with a first-floor bedroom window some 7m from that boundary. At its nearest point, the dwelling on Plot 2 would be some 21m away. The view of the proposed dwelling from no.60 would be of a substantial tiled roof with an eaves height of 3m relative to existing ground level and some 4m compared with the ground level outside no.60. Existing views from ground floor windows in no.60 are longer distance views across the site towards the upper floors of properties fronting Town Hill some 110m away. Views into the appeal site are restricted by the boundary fence although trees growing on the appeal site can be seen. There are more extensive views into the appeal site from the first

floor bedroom window. The replacement of these more open longer-distance views by views of the roof of the dwelling on Plot 1 would be less pleasant for the occupiers of no.60. However, as noted at para.29 of 'The Planning System: General Principles'¹ *the planning system does not exist to protect private interests of one person against the activities of another, although private interests may coincide with public interest in some cases.* There would be no loss of light in no.60, no loss of privacy, while any potential for overshadowing in winter months would be limited to early morning. The Inspector concluded that the loss of amenity for the occupiers of no.60 would not be sufficient to justify a refusal of planning permission.

For the occupiers of nos.56 and 58 there would be views of the gable-ended side elevation of the dwelling on Plot 2 some 44m and 50m away respectively. While this would restrict, but not totally obscure, longer views to the open countryside to the north-west of West Malling, it would have no detrimental impact on light or sunlight entering those gardens. The two tall birch trees in the southern corner of the appeal site and closest to the boundary with no 58 would be retained. For the same reasons as those set out paragraph 12 above, this loss of longer distance views would not amount to a loss of residential amenity sufficient to justify a refusal of planning permission.

Other matters

Concerns were raised by local residents with regard to highway safety. Visibility for the drivers of emerging vehicles is impeded by the presence of parked cars in Town Hill, although protective bollards prevent vehicles parking immediately next to the junction. Moreover, while this road carries a substantial volume of local traffic approaching or leaving the town centre, Town Hill in the vicinity of this entrance to the private drive is subject to physical traffic calming measures and the Inspector observed that motorists were proceeding with care. The increased use of this access as a result of the proposed development is not going to materially increase the hazard to other road users. This appears to be confirmed by the fact that no objection was raised by the highway authority.

Similarly, this additional traffic is unlikely to have any detrimental impact on the mature trees which abut the drive and are subject to a Tree Preservation Order. So far as deliveries of building materials are concerned, drivers of such vehicles have a duty of care, as would have been the case when materials were delivered here when nos.48 – 54 (even) were constructed, and later when some of them were enlarged.

- 1.5 Site: **Mankash, Tree Lane, Plaxtol**
 Appeal **Against the refusal of planning permission for the demolition of an existing garage and construction of a detached house and detached garage**
 Appellant **Dr Sashdeva**
 Decision **Appeal dismissed**
 Background Papers file : PA/24/10 Contact: Cliff Cochrane
01732 876038

The Inspector considered the main issues to be:

(a) whether the proposed backland location would result in development out of keeping with the character and appearance of the village in general and the Plaxtol Conservation Area; and,

(b) whether use of the proposed access would constitute an unacceptable hazard to road users.

Reasons

Issue a)

A number of rural settlements with the Borough have a distinctive character by virtue of being traditional linear street villages, and Plaxtol is recognised as being one of these. While there are a limited number of examples of development in depth within the village, these have been previously developed sites – for example the former bakery. However, throughout most of the village, and in the vicinity of the appeal site in particular, the Inspector saw that the traditional linear form of development has been maintained. The appeal proposal would introduce development in depth which would conflict with policies CP13 and CP24 of the TMBCS and policy SQ1 of the MDEDPD.

The appeal site lies with the Plaxtol Conservation Area (CA) and, to the extent that this proposal would serve as a precedent for further development in depth elsewhere in the village, it could not be said to preserve or enhance the character or appearance of the CA. In addition, boundary hedges located close to the edge of the highway are a feature of Tree Lane and the provision of the proposed access would require the removal of an extensive length of hedge, particularly if visibility distances to the south were to be improved. However, this would have a detrimental impact on the appearance of Tree Lane and would not maintain or enhance the character or appearance of this part of the CA contrary to the terms of MDEDPD policy DC6a.

Issue b)

Tree Lane is a village lane which lacks the benefit of a pavement. In the vicinity of the proposed access it is also narrow and motorists already need to proceed with some caution. Sight lines for the drivers of emerging vehicles would be severely restricted, particularly to the right where there would be no opportunity to make improvements on land in the ownership of the appellant. The driver of an

emerging vehicle would first see the offside of a vehicle approaching from the north when it was only some 12m away. This compares with a stopping site distance for a vehicle travelling at 30mph of some 43m. The proposed access would be seriously substandard and represent an unacceptable hazard to other road users. For these reasons it would also be contrary to TMBCS Policy CP24 and MDEDPD Policy DC6(b).

Adrian Stanfield

Legal Services Partnership Manager