



Appeal Decision

Site visit made on 17 February 2020 by Darren Ellis MPlan

Decision by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/F4410/D/19/3239939

Grindlewald, Low Road, Conisbrough, Doncaster DN12 3ER

- 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 Mr & Mrs Crawshaw against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00992/FUL, dated 21 April 2019, was refused by notice dated 8 August 2019.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for costs

3. An application for costs was made by Doncaster Metropolitan Borough Council against Mr & Mrs Crawshaw. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, including the setting of the Conisbrough Conservation Area and the setting of Conisbrough Castle, a listed building and scheduled ancient monument; and
 - the effect of the development on highway safety.

Reasons for the Recommendation

Character and Appearance

4. The appeal site comprises of a two-storey detached dwelling at the end of a group of houses on Low Road. The properties are set back varying distances from the road and are set below the level of the highway, and as such the front gardens and driveways where present slope down from the road. The proposal
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- seeks to install a dropped kerb to allow vehicular access to a new driveway for two vehicles.
5. The Conisbrough Conservation Area (CCA) abuts the south-western boundary of the property. The CCA derives much of its character from large green areas, with trees and woodland in the northern part of the conservation area with the Grade I listed Conisbrough Castle at its centre. Elements of this woodland border the appeal site to its south and west, with land surrounding the Castle opposite the appeal site on the north side. A public footpath is located close to the west of the property, is accessed off Low Road and runs through the woodlands to the south of the property.
 6. Paragraph 193 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
 7. Due to the proximity of the appeal property to the road and adjacent footpaths, it is reasonably prominent in views both to and from the CCA. While not located within the CCA, the current green and open side garden of the appeal site contributes visually to a transition from the woodland in the CCA to the ribbon built form of the dwellings along this stretch of Low Road, and it makes a positive contribution to the setting of the CCA.
 8. The proposed driveway would be a raised platform that slopes down from the road. This would be a similar arrangement to the adjacent properties. However, the neighbouring driveways are set against the backdrop of residential development. The proposed driveway would be to the side of the appeal property and adjacent to the CCA, with a backdrop of woodland. While the materials that would be used may be sympathetic to the CCA, the provision of a raised platform for the parking of cars would not be in keeping with the character and appearance of the area and would cause harm to the setting of the CCA. Any future addition of safety railings or measures within retaining walls to the raised driveway would have the potential to draw attention to the area and exacerbate the visual impact of the driveway. I do not necessarily consider that appropriate materials could be conditioned due to the height of the structure required in this sensitive area.
 9. The proposed driveway would be topped with a permeable EcoGrid system that would allow the grid and underlying grass to be used as the surface of the drive. While this would maintain a certain green appearance to the drive, the parking of cars on and the raised nature of the driveway itself would appear artificial adjacent to the woodland and in the context of the character of the area.
 10. Conisbrough Castle is sited on top of a hill opposite the appeal site. Owing to the distance from the Castle itself and its footpaths, the proposal would have limited visibility from the Castle and would not have a harmful effect on the setting of the listed building and scheduled ancient monument.

11. I note the submitted photograph of the permitted side extension to the adjacent property. However, while the extension does reduce the view of the woodland to the rear, the reduction of the view is limited and the extension is seen in context with the host dwelling and the surrounding ribbon of residential properties, and is different to the appeal site which is set at the end of this ribbon of development, directly adjacent to the CCA. I have also been referred to another planning permission, ref. 18/01717/FUL, however no details of the development that was approved or the location of the development have been submitted.
12. Above I have concluded that the proposal would cause harm to the setting of the CCA. As the harm would be to a small part of the setting of the Conservation Area, this would be less than substantial. In such cases paragraph 196 of the Framework requires this harm to be weighed against the public benefits of the proposal. Minor public benefits would accrue through the economic impacts of the construction of the proposal, but this would not outweigh the harm that I have identified, and to which I am required to give great weight.
13. The proposal would therefore conflict with the Framework. The scheme would also conflict with policies CS14 and CS15 of the Doncaster Council Core Strategy 2011-2028, May 2012 (the CS) which together state all designs must be of high quality that contributes to local distinctiveness and that proposals will be supported which preserve the setting of the Borough's heritage assets. The proposal would also be contrary to policy ENV25 of the Doncaster Unitary Development Plan, July 1998 (the UDP), which states that the desirability of preserving the character or appearance of a conservation area will be a material consideration when dealing with proposals for new development which would affect its setting. Finally, the proposal would also be contrary to policies 35, 38, 42, and 43 of the Doncaster Local Plan 2015-2035 Publication Version (the Emerging Plan) which state that proposals will be supported which preserve the setting of the Borough's conservation areas and respect and enhance character and local distinctiveness.
14. I note that the appellant intends to sow wildflower seed to increase biodiversity, and to plant a hedge to provide some screening of the driveway from the public footpath adjacent to the site. However, a hedge can be cut down or removed at any time and is therefore not sufficient for a permanent screen. Consequently, these do not mitigate against the harm identified above and would not mitigate harm from other parts of the CCA.

Highway Safety

15. Low Road is a classified road that is subject to a 30mph speed restriction. During the time of my site visit, the street was moderately busy with traffic travelling past the appeal site in both directions. On street parking was available outside the properties along this stretch of the road.
16. The proposed layout of the driveway would allow two cars to park on it. However, while the submitted drawings show that it may be possible for both cars to enter and exit the driveway in a forward gear, it would be necessary for one car to make several turning manoeuvres in order to do so, shown on the submitted drawings as a 6 point turn. While there is no restriction to the number of manoeuvres that can be made on the driveway, there is no guarantee that this would be done every time when it may feel easier for the

driver to reverse onto the carriageway instead. Additionally, the submitted drawings show a 4.2m long car. A standard family saloon or estate car would likely be longer and may not be able to carry out the manoeuvres required to exit the driveway in a forward gear should there be another car on the driveway.

17. When exiting the driveway, there would be sufficient visibility to the right. However, the woodland on the other side of the driveway has a wall that fronts the road that exceeds, in part, the maximum 900mm height required for an acceptable visibility splay. While this may not be the case along the whole length of the wall, even a small part above 900mm along the required splay would hinder visibility, and this would be further reduced if vegetation is allowed to grow above the height of the wall. As the land adjacent to the appeal site is outside the appellant's control, it is not possible to guarantee that the vegetation will be controlled to prevent any obstruction of the visibility splay. While the trees may be on Council land and therefore be maintained for highway safety purposes this does not necessarily extend to providing visibility splays for the proposed development.
18. The appellant has provided photographs to demonstrate that the visibility splay can be achieved. However, it is not clear at what height the photographs were taken and whether they are fully representative of what a driver would see. The photographs show a glimpsed view of a cone through trees and greenery but do not show clear visibility to my mind. From this and my observations on site I consider that it is uncertain that users of the access would have adequate visibility of the highway to the left when exiting the proposal.
19. The appellant states that the technical requirements cited by the Council is intended for developments of 10 dwellings or more. However, in this case, given the restrictions of the site and my own observations I consider them to be useful guidance in the interests of highway safety for this case.
20. Furthermore, the evidence before me does not demonstrate that the proposed surface would be suitable for the sloped driveway proposed. Grass could grow through the proposed floor grid and when wet a car would have less grip than usual. While I note that the appellant previously proposed a stone surface, this is not before me and would also not appear to be a bound material.
21. The appellant has suggested that the proposed driveway would increase highway safety, as there would be fewer cars parked on the road. However, as it would not be possible to provide adequate visibility splays and that vehicles would always be able to leave the site in forward gear, the evidence before me indicates that the scheme would harm highway safety. Furthermore, there are no restrictions on parking on the highway in this location. While I accept that the scheme may take the appellant's vehicle(s) off the road, there would be nothing to stop others parking on the road and further adversely affecting visibility for cars attempting to leave the proposed drive.
22. For these reasons, the development would have an unacceptable effect on highway safety. The proposal is therefore contrary to policy CS14 of the CS which states that the components of development will be assessed to ensure that they contribute positively to the safety of the highway. The scheme would also be contrary to policies 43 and 45 of the Emerging Plan which state that development should ensure the safety of the highway.

Other Matters

23. I understand the appellant's reasons for the development, namely to provide off-street parking, improve access to the property for a disabled family member, to allow an electric charging point to be installed, and to prevent refuse bins from blocking the pavement on refuse collection days. Nonetheless, these factors would not outweigh the harm identified above in this case.
24. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

Conclusion

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

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

J Hockley

INSPECTOR