

GROUNDS FOR APPEAL – SUPPORTING STATEMENT Ribble Valley Borough Council
 planning reference: 3/2023/0327

DEVELOPMENT PROPOSED: Outline application for the erection of a detached dwelling with access applied for (all other matters reserved).

The reasons for refusal of the application are cited as follows:

AT: 19 Abbey Road Whalley BB7 9RP

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s):

- 1 The proposal, by virtue of its impact on the existing, well-established streetscene, would result in bulky, unsympathetic and disproportionate additions that would be harmful to the character, setting and visual amenities of the existing residential dwellings and fails to respond positively to or enhance the immediate context. As such the proposal is considered to be in direct conflict with Policies DMG1 and DME2 of the Ribble Valley Core Strategy, and Paragraph 130 of the NPPF.
- 2 The proposal, by virtue of unsuitable and inappropriate access arrangements, is considered to result in pedestrian and vehicle conflict and have an unacceptable impact on highway safety and as such is not compliant with CS Policy DMG1 (Access) or NPPF Paragraph 111.
- 3 The application does not include sufficient information, namely an Arboricultural or Tree Impact Assessment, to assess the impact of the proposed development on a nearby tree of high amenity value which lies close to the site's southern boundary and within the Whalley Conservation Area. Due to the close proximity of the proposed new dwelling this protected tree is likely to be at significant risk. Therefore, the proposal is not considered compliant with CS Policy DME1 and NPPF Paragraphs 131 and 174 (b).

Appeal Argument:

We will address each refusal point as listed and these are numbered accordingly:

1. The proposal would result in bulky, unsympathetic and disproportional additions which would be harmful to existing dwellings.

We contest this refusal point as no fixed design was submitted for a dwelling. We do not understand how this could be given as a reason for refusal given that a suitable design either in-keeping with the area or complimenting the area was not submitted at this stage and cannot be assessed as a refusal point.

Whilst we appreciate that the application plot is adjacent to Whalley town centre conservation area, the surrounding as built dwellings vary from traditional brick and render built substantial semi detached dwellings to none descript low visual amenity social type housing to 1970's bungalows and dated public service buildings.

Therefore a precedence of design has not been displayed in the area should an actual house or bungalow design have been proposed as part of this application, which it was not.

The basis that a none submitted house design would be overbearing is quite at odds with this type of outline planning application for which this element would be proposed at a reserved matters planning application submission point.

Furthermore citing none compliance with NPPF Para 130 is totally at odds with the application purpose, argument is given in red below adjacent to each point of para 130.

NPPF Paragraph 130. Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; **HOUSE DESIGN CANNOT BE ASSESSED WITHIN THIS PLANNING APPLICATION**

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; **HOUSE DESIGN CANNOT BE ASSESSED WITHIN THIS PLANNING APPLICATION**

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); **HOUSE DESIGN CANNOT BE ASSESSED WITHIN THIS PLANNING APPLICATION**

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; **A PROPOSED DWELLING WOULD INTERFACE WITH THE STREETSCENE, THIS WOULD BE ASSESSED AT RESERVED MATTERS STAGE**

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and **THE APPLICATION IS CLEARLY LARGE ENOUGH TO PROVIDE SPACE FOR A DWELLING, OFF ROAD CAR PARKING, DEFENSIBLE GARDEN AMENITY SPACE AND CYCLE STORAGE. DETAILS CANNOT BE ASSESSED WITHIN THIS APPLICATION.**

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users 49 ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. **A PROPOSED DWELLING WOULD INTERFACE WITH THE EXISTING STREETSCENE AND ADJACENT GREENSPACE ADDING NATURAL SURVEILLANCE TO A DARKLY LIT OPEN AREA REDUCING THE POTENTIAL FOR CRIME. THE PLOT IS ALSO WITHIN THE DEFINED TOWN CENTRE OF WHALLEY AND THE RAILWAY STATION IS A VERY SHORT WALK ON FOOT AND AS SUCH IS IN A HIGHLY SUSTAINABLE LOCATION.**

2. Access arrangement posing an impact on highway safety.

The outline application did apply for means of access, this is acknowledged. However the existing access point was proposed as the means of access to the application plot and as such was identical in its proposal as each and every existing dwelling built to the application side of Abbey Road.

The driveways to all existing dwellings from no.1 to no. 17 Abbey Road all display a single width access without the ability to turn a vehicle within defensible space and as such vehicles reverse onto the quiet adopted highway.



Figure 1: single width driveways to all properties at 1 to 17 Abbey Road, Whalley

The application site currently has a double width drive access which would be identical to each and every other dwelling on Abbey Road (as referenced above) should it be split into two separate access points down its centreline of access point.

We do not feel that the proposed access would raise the risk to the pedestrians or highway safety given that Abbey Road is a 20mph zone and the application plot is at the end of the no through road with excellent visibility onto the adopted highway.

Whilst it is desirable to provide off road turning facilities, it is not always possible to achieve this and individual plots must be considered on their own merit.

The application site increases the usage of an existing private driveway access from 1 dwelling to 2 dwellings which still falls within the parameters of the definition of a private driveway.

The overall plot is less than 45m in length and fire brigade access can be undertaken from the adopted highway should the need arise.

Retracing back to a final house design not being presented at this stage, parking provision for the existing dwelling and that of a 'potential' 2 bedoomed new dwelling and pedestrian access can all be accommodated from the existing double driveway width.

Refusal was cited as none compliance with NPPF paragraph 111 as below:

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The increase of one property to two properties utilising an existing access point is widely deemed acceptable in planning practice nationwide and this existing access point is clearly wide enough to accommodate two vehicle widths simultaneously.

The existing dwelling under the applicant's control has a street frontage of 16m which is wide enough to create two separate access points onto the quiet adopted street should the planning inspectorate deem the current access point not being suitable.



Figure 2: Double driveway access to the existing property at 19 Abbey Road and the potential plot

3. Tree impact assessment

Neither a tree survey or AIA was requested by the local authority at any point within the registration or during the application process and as such if it was a reason for refusal we feel that the application should not have been registered without such a request.

Aside from this fact and again referring back to a fixed housing design, an AIA could not be assessed at this stage without a known footprint for a dwelling. The footprint as shown on the accompanying site plan was for illustration purposes only.

Should a proposed dwelling be sited within a protected tree root zone at reserved matters stage, the design/footprint of a dwelling would need to take root protection zones into account and utilise accepted construction methods to ensure minimal impact on the protected tree.

Please refer to the accompanying documents which were submitted with the planning application including the site plans, design and access report and historic maps contained within.
DOCUMENTS SUBMITTED TO RIBBLE VALLEY BOROUGH COUNCIL REGARDING
PLANNING APPLICATION: 3/2023/0327

1. 1131/ARW/ESLP – Existing site layout plan
2. 1131/ARW.SLP – Proposed site layout/block plan
3. 1131/ARW/LP – Site location plan
4. 1131/ARW/DAS - Design and access/planning report

Supporting statement compiled by the appointed agents BPD Architecture CIAT registered architectural technologists.

Report written by company director Mr Michael Beech MCIAT dated 28th July 2023.