

APPEAL BY MR P JACKSON AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A DROPPED KERB AND DRIVE AT 26 CHURCH LANE, WOLSTANTON

<u>Application Number</u>	18/00041/FUL
<u>LPA's Decision</u>	Refused under delegated authority 27th April 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	15th August 2018

The Appeal Decision

The Inspector identified the main issue to be the effect of the proposal on the safety of highway users.

In dismissing the appeal the Inspector made the following comments:-

- The proposed vehicular access would be close to the signalled junction of Church Lane and Grange Lane and would be very close to a zebra crossing. It would also be directly adjacent to a hatched 'Keep Clear' box. Furthermore, the submitted information shows no visibility splays serving the proposed access. Nor does it suggest that any sections of the tall front boundary fence would be removed other than that which the access would punctuate. Such arrangement would severely impede a driver's ability to see pedestrians walking along the pavement and approaching the new access from the north when exiting the site.
- The Council has expressed concern that the proposed parking and turning facility could be used for two vehicles and that would prevent turning within the site. In such circumstances vehicles would have to either reverse into the driveway, or more likely, reverse onto the highway. This would be a dangerous manoeuvre and it would unacceptably increase the danger to highway users. The Inspector considered whether it would be possible to limit, through condition, the facility to the parking of one vehicle, with on-site turning to be retained at all times but concluded that this would be difficult for the Council to monitor and enforce.
- The appellant has referred the Inspector to a Local Transport Note 2/95 titled 'The Design of Pedestrian Crossings' which recommends a minimum separation distance between uncontrolled junctions and a signal controlled crossing or a zebra crossing of 20m and 5m respectively. The Inspector noted, however, that the appeal relates to a domestic vehicular access rather than an uncontrolled junction. In addition the Inspector didn't have sight of the document nor was clear of its current status and as such attached limited weight to it. The appellant also pointed to the fact that there had been no accidents involving vehicles outside the property, however it seemed to the Inspector that this reflected the specific highway conditions during the period, which would change if the proposed access was created.
- The Inspector was mindful that the adjacent property had a similar vehicle access but as it was further away from the highway junction, the zebra crossing and the hatched 'Keep Clear' box it was not directly comparable.
- The Inspector concluded that the proposal would unacceptably increase the safety risk to highway users contrary to the NPPF and Policy CSP1 of the adopted Core Spatial Strategy.

Recommendation

That the appeal decision be noted.