

APPEAL BY MR ANDREW WILSON AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AT 80, APEDALE ROAD, WOOD LANE

<u>Application Number</u>	18/00640/OUT
<u>LPA's Decision</u>	Refused under delegated powers
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	25th June 2019

The Appeal Decision

The Inspector identified the main issue in the consideration of the appeal to be the effect of the proposed development on highway safety for users of Apedale Road.

In dismissing the appeal the Inspector made the following key comments and observations:-

- The proposal is to erect a detached dwelling on garden land to the rear of 80 Apedale Road with access provided from Apedale Road across a dropped kerb and along a gravel track that runs alongside 76 Apedale Road. The appellant indicates that this track is currently used to provide access to the rear of No 80 and for vehicle parking.
- For drivers turning out of the site onto Apedale Road, the visibility of oncoming road and footway users would be severely restricted in one direction due to the position of the flank wall of No 78 and, in all likelihood, on-street vehicle parking. In the opposite direction, a telegraph pole and the frontage boundary wall of the adjacent property would also hinder views of approaching road users. Given these conditions, motorists exiting the site would need to carefully edge forward into the carriageway to improve their view of oncoming vehicles as well as cyclists and pedestrians. In doing so, the exiting vehicles may create an obstruction to those walking along the footway, which terminates near to the site's entrance. Parked vehicles along Apedale Road would also obstruct views of exiting vehicles especially for westbound drivers.
- These conditions present an obvious and significant danger to other highway users. As such, there is no doubt that the vehicle movements associated with the proposal, even at the modest level anticipated, would be unduly hazardous. Therefore, the Inspector agreed with the Council and Staffordshire County Council, as Highway Authority, that the proposed access arrangements would be unsafe. It was also noted that the Council considers the visibility splays at the entrance to the site off Apedale Road that avoid third party land to be substandard.
- The appellant states that there would be no right of access to the rear of the property of No 80 once the new dwelling was in place and that occupiers of the appeal property would alternatively use the space available for parking on the street or within an existing garage. On that basis, vehicle movements related to the proposal would be offset by those associated with No 80 and so the appellant considers that there would be no intensification in the use of the track. However, one effect of granting planning permission in this instance would be to formalise a far from ideal access arrangement that clearly presents a considerable safety hazard.
- Furthermore, it does not necessarily follow that the current and future use of the access track should be assessed on a like-for-like basis. For instance, visitors and deliveries to No 80, which has a front entrance to Apedale Road, would be likely to use this highway for vehicle parking rather than the less direct and more difficult route offered by the access track. In contrast, visitors and deliveries to the new dwelling would be more likely to use the track as the only access to the site and given the concealed position of the new dwelling away from the road. Food shopping deliveries would be one example. Some of these particular users may be unfamiliar with local highway conditions and thus pose a greater risk to highway safety than drivers using the existing track.
- Given the modest scale of development, the Inspector shared the appellant's view that the residual cumulative impacts on the road network would not be severe.

However, the proposal would have an unacceptable impact on highway safety due to the substandard access arrangements and poor visibility.

- It was concluded that the proposed development would cause significant harm to the highway safety of users of Apedale Road. It therefore conflicts with the Framework, which states that when assessing applications for development it should be ensured that safe and suitable access to the site can be achieved.

Recommendation

That the appeal decision be noted.