

APPEAL DECISION

Two Dwellings at 17 St Saviour's Street, Butt Lane Subject to a Condition (No 5) Preventing Any Access to the Site From Back Street, as Opposed to St Saviour's Street. Mr Philip Leese

Application Number: 08/00715/EXTN

Officer Recommendation: Approval subject to conditions including the disputed one

LPA's Decision: Approved by Planning Committee 15 November 2011 subject to conditions including the disputed one

Appeal Decision: Appeal allowed and condition varied

Date of Appeal Decision: 14 August 2012

Background and Main Issue

The condition in dispute related to an outline planning permission granted for two dwellings on land between St.Saviour's Street and an unadopted unmade road known as Back Street. The condition prevented access between the development site and Back Street. The appellant sought removal of the condition so that access could be gained from both St.Saviour's Street and Back Street.

The Inspector identified the main issue as being whether the condition was reasonable or necessary in the interests of highway safety

In deciding to vary the condition so that it continues to prevent any vehicular access from Back Street, but allows pedestrian access from that street, the Inspector made the following observations:-

- There is limited visibility at the junction of Back Street with Congleton Road (the A34) when looking south along the main road. Visibility to the north is better, although parked cars tend to obstruct sight lines. Towards its eastern end Back Street narrows to a single car width before undertaking a sharp right-angled turn and entering St Saviour's Street at a point where a fence obstructs view of traffic coming down St Saviour's Street.
- Back Street already provides access to a number of properties but the above features make it unsuitable for additional traffic movements.
- However the junction of St Saviour's Street with the A34 also has poor visibility in one direction, the development would increase use of this inadequate junction, particularly if the access was restricted to St Saviour's Street, and the oncoming traffic on the A34 subject to this poor visibility is on the nearside lane, whereas, at the Back Street junction, the traffic heading north is of the far side of the main road.
- Having considered the characteristics of the two potential means of access to the site, the Inspector found the use of St Saviour's Street to be preferable – in that it had only one main shortcoming, whilst the increased use of Back Street would have a number of failings. Whilst a number of dwellings on St Saviour's Street have garages to the rear accessing onto Back Street, these arrangements appear to be longstanding and have evolved when traffic conditions were markedly different from today.

The Inspector on this basis concluded that the condition was both reasonable and necessary in the interests of highway safety, that without it the development would not accord with various policies within the development plan, and that the need to deliver new homes should not be at the expense of providing a safe and suitable access to developments.

The condition did however refer to both pedestrian and vehicular access. The Council had not pointed to any harm that would occur from allowing pedestrian access via Back Street, and he considered that such use would be acceptable and so to this limited extent he allowed the appeal.

Recommendation

That the information be received.