
Appeal Decision

Site visit made on 6 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2016

Appeal Ref: APP/R1845/W/16/3149580

139 Sutton Road, Kidderminster, Worcestershire DY11 6QP

- 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 M Samrai against the decision of Wyre Forest District Council.
 - The application Ref 15/0724/FULL, dated 18 December 2015, was refused by notice dated 18 March 2016.
 - The development is proposed modifications and conversion to form a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal in respect of its access arrangements on the safety of pedestrian and vehicular traffic on Greatfield Road.

Reasons

3. The appeal site is at the rear of a shop located on the corner of Sutton Road and Greatfield Road. The proposal is to convert parts of the storage and retail areas of the shop into a two-bedroom residential unit. It would front onto Greatfield Road not far from its junction with Sutton Road (A4535). Parking for one car would be provided in an 'undercroft' garage, beneath part of the first floor of the dwelling, with access directly onto the road. A loading bay, relating to the shop, lies adjacent to the proposed access with a bus stop immediately next to it towards the junction with Sutton Road. There are double yellow lines on the other side of the road.
 4. At the time of my site visit (10:25), whilst not as busy as Sutton Road, I observed a significant, if intermittent, flow of vehicles and pedestrians along Greatfield Road. Though I appreciate that my visit provided only a snapshot of highway conditions, I note that Worcestershire County Council, the relevant highway authority, carried out a pedestrian count on 27 June 2016 between 07:30 and 09:30. It identified 89 pedestrian movements, including 32 children, crossing the proposed vehicle access area and another 31 movements on the opposite footway. These statistics have not been disputed and the presence of two shops and a bus stop contribute towards the likelihood of regular and continued pedestrian use of the footway in this largely residential area.
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5. I share the Council's concern that a car emerging from the parking area would not be easily seen by pedestrians using the footway. Similarly, the driver would not be able to see pedestrians as there is no pedestrian vision splay proposed or possible. The situation would be exacerbated if a driver was reversing out of the parking area.
6. The appellant argues that the width of the footway and the presence of doorways fronting onto it would lead to pedestrians walking sufficiently far away from the building, when approaching the proposed access, to mitigate any danger. Whilst I agree that the footway is reasonably wide, it seems to me that the visibility issue described would still arise irrespective of which part of the footway pedestrians were using. Therefore, I am more persuaded by the Council's position that the vehicle access and parking arrangement pose a significant danger to pedestrians.
7. With regard to the safety of vehicular traffic, the Council has expressed concern, based on the advice of the highway authority, about the effect of the loading bay, when occupied, on the visibility of vehicles emerging from the access. The appellant states that the loading bay is only used occasionally, though I observed a vehicle parked in it on my site visit, and that as it is a few metres from the proposed dwelling it would not hinder visibility. However, no detailed evidence or expert report has been provided to substantiate that view or dispute the highway authority's professional opinion. Therefore, I consider that the location of the loading bay in relation to the proposed access would present a significant risk of a vehicle collision.
8. It has been suggested that the loading bay could be removed or relocated and that this aspect could, therefore, be dealt with by means of a suitable pre-commencement condition. However, the loading bay would presumably still need to be in the proximity of the shop. In the absence of any detailed proposals or evidence that there is a realistic prospect of the removal or relocation of the loading bay, given that it would require a Traffic Regulation Order subject to public consultation, I am not convinced that such a condition would be appropriate. I also note that the location of the bus stop next to the loading bay is a further constraint. In any event, it would not resolve the harm already identified to pedestrian safety.
9. The combination of the above factors leads me to conclude that the proposal's access arrangements would pose a significant risk to the safety of pedestrian and vehicular traffic on Greatfield Road. It follows that the proposal conflicts with the objectives of Policy SAL.CC1 of the Council's Site Allocations and Policies Local Plan 2006-2026 (adopted July 2013), and paragraph 32 of the National Planning Policy Framework, which, amongst other things, seek to protect highway safety and ensure that safe and suitable access to developments can be achieved.

Conclusion

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

Jonathan Tudor

INSPECTOR