
Appeal Decision

Site visit made on 19 September 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 30 September 2016

Appeal Ref: APP/N4720/D/16/3156156

Eastfield, Scotland Lane, Horsforth, Leeds, LS18 5SE

- 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 Phil Newstead against the decision of Leeds City Council.
 - The application Ref 16/00603/FU, dated 27 January 2016, was refused by notice dated 30 June 2016.
 - The development proposed is retrospective planning application for boundary wall and gate pillars.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has questioned whether the wall requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. Eastfield is a detached dwelling set in large grounds. It is served by two access points, leading from Scotland Lane. This is a main distributor road and at the time of my site visit¹, I observed that this was a relatively busy road which carried a wide variety of traffic including private cars, buses, HGVs as well as cyclists.
5. Speed limits along Scotland Lane are restricted to 30mph, however I understand that this is often breached. I saw that a number of traffic calming measures are in place, including a speed table outside of the appeal property, located in between the two access points.
6. The boundary wall has been erected to a height of around 1.75m above the pavement level. It is a solid stone wall which also acts as a retaining wall due to the raised ground levels of the private garden serving Eastfield.
7. My own observations of the area confirmed the evidence of the Local Highway Authority that the visibility from the access points is substandard. Specifically,

¹ Site visit was undertaken between 13:45 and 14:15 on Monday 19th September 2016.

- visibility is severely impeded when exiting from both driveways, due to the height and solid nature of the stone wall.
8. The severe lack of visibility would, in my view, be highly likely to give rise to users of the drive edging out across the pavement in order to increase visibility of the road. This would be likely to impact upon the safety of pedestrians using the footpath which runs directly adjacent to the wall. I saw that this was well used by pedestrians and I am also mindful that this footway runs along only one side of Scotland Lane.
 9. Moreover, while most properties along Scotland Lane have off-street parking, on-street parking does occur along its length and I witnessed cars parked to the north and south of the access points, which further restricted visibility and, accordingly, would increase the safety risk to all highway users.
 10. I note the proposed introduction of a camera system which would give longer range views, both in the day and at night. This was not installed at the time of my site visit, however it is understood that these would be located from a central point of the boundary wall, giving views both north and south via a viewing monitor located within the wall at each exit. It is suggested that this is secured by way of a condition.
 11. However, based upon the conditions and nature of the road, as a busy distributor road where speeds are often breeched in spite of a 30mph limit, and where on-street parking is permitted, I am not persuaded that this would offer an appropriate and safe solution which would adequately overcome the presence and enclosure from the tall and solid stone boundary wall. I also agree with the Council that visibility is also required for all other highway users to be able to see emerging vehicles from the appeal property, which the proposed system would not address.
 12. I note other tall boundary treatments in the area. However, other stone boundary walls in the area were lower in height. Of the examples of taller structures, including fencing at Brentwood and railings at Scotland Villa, I am not in possession of the full details which led to those proposals being accepted. In addition, of all the examples given, I also do not consider that the presence of these structures should justify the further harm to highway safety. I accept that hedgerows in the area were generally tall, and I note that these do also impede visibility. However the height of hedgerows can vary, whereas the height of the stone wall is fixed. In any case I have determined the appeal on its own merits, based on the information before me.
 13. Overall I consider that the restricted visibility from both access points poses a severe risk to the safety of all highway users. The development therefore does not accord with policies P10 and T2 of the Core Strategy (2014) and saved Policy GP5 of the Leeds Unitary Development Plan (2006) which seek to ensure that development creates safe and secure environments and would not create or add to problems of highway safety. The harm I have identified in respect of highway safety would not be outweighed by there being some local support for the proposed development.

Conclusion

14. For the reasons given, and having regard to all matters raised, the appeal is dismissed.

C Searson
INSPECTOR
