

Appeal Decision

Site visit made on 23 September 2016

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 25 October 2016

Appeal Ref: APP/T4210/W/16/3153420

3 Stephen Street South, Elton, Bury, Lancashire BL8 2NT

- 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 Darren Galliano against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59337 dated 26 October 2015 was refused by notice dated 14 January 2016.
 - The development proposed is described as *"To change the use of land at back of number 3 Stephen Street South to residential with a new boundary fence/gate. The land is wasteland, of which the owner cannot be established. The new boundary does not obstruct pedestrians or vehicles from passing"*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development had already been completed at the time of my visit and for clarity, I have considered the appeal based on the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site is an area of land to the rear of a mid-terrace property that is situated on Stephen Street South. The area is predominately residential and the properties have modest front and rear yard and garden areas. To the rear of the appeal site, beyond an access road is a garage colony consisting of various garages and buildings.
 5. The development has enclosed an area of land to the rear of the dwelling, No. 3 Stephen Street South, to form an extended rear yard area to this property. The Council have referred to the enclosed area as an unadopted access road and whilst I note the reference by the appellant to the lack of maintenance over a long period of time, it was clear from my site visit that the enclosure of this space by the fencing and gate has reduced the space available to manoeuvre in and out of the garages.
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6. Whilst this appeal development may not affect the end garage and the appellant also owns the garage to the rear of the appeal site, this does not alter the potential difficulty that is caused to vehicles manoeuvring out of this and other neighbouring garages as well as restricting access to other land that the Council refer to, broadly to the south-east of the site. The consequences of having restricted manoeuvrability is likely to result in vehicles reversing with limited visibility on to Back Bolton Road South from the unadopted access, and coming into conflict with other road users.
7. I therefore conclude that the proposal has an unacceptable harmful impact on highway safety. Of the policies quoted in the refusal notice, I consider Policy HT6/2 of the Bury Unitary Development Plan to be of most relevance to this development. The appeal scheme is contrary to this, which seeks, amongst other matters, to reduce pedestrian and vehicular conflicts. It would also be contrary to the Paragraph 35 of the National Planning Policy Framework, which advises that development should create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians.
8. For the reasons given above, and having considered all other matters raised, including visual amenity benefits, the appellant following the correct procedures in terms of land ownership and that pedestrians are not obstructed from passing, I conclude that this appeal should be dismissed.

F Rafiq

INSPECTOR