
Appeal Decision

Site visit made on 27 September 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 2nd November 2016

Appeal Ref: APP/Z4718/W/16/3154725

250 White Lee Road, White Lee, Batley WF17 9AJ

- 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 Martin Hughes against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/93153/E, dated 2 October 2015, was refused by notice dated 4 March 2016.
 - The development proposed is a pair of semi-detached dwellings with new driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on highway safety.

Reasons

3. Access to the proposed development would be taken from White Lee Road adjacent to the north-western boundary of the appeal site. It would provide access for the proposed development and also Nos. 248 and 250 White Lee Road. The existing access serving these properties, and which adjoins the south eastern boundary of the site, would be closed.
4. White Lee Road is a classified road with a speed limit of 30mph. The appeal site is located between two crossroad junctions, a traffic light junction with the main Leeds Road about one hundred metres away to the north-west and an uncontrolled crossroads a similar distance away to the south-east. At the time of my visit there was a steady stream of traffic in either direction.
5. The proposed new access would have visibility splays achieving 2.4m x 23.2m in a north-westerly (NW) direction and 2.4m x 33.5m in a south-easterly (SE) direction. The application was supported by a traffic speed survey¹, and based on this evidence the Council has assessed visibility figures for the 85 percentile wet weather speed of vehicles using Manual for Streets Guidance which recommends visibility splays of 2.4m x 37.45m in the NW direction and 2.4m x 33.21m in the SE direction. It is clear that the visibility splay in the NW direction falls considerably short of the recommended distance.

¹ ABACUS Traffic Surveys, dated 02/12/15.

6. It was evident from my visit to the site that the existing site access is severely substandard in a SE direction with only a 2.4m x 7m visibility splay currently achievable due to the adjoining high fence. However, the existing NW direction splay from this access is 2.4m x 34m, and consequently only just falls short of that recommended for recorded vehicle speeds. I understand that the appellant considers the SE direction to be the more critical direction, however whilst the appeal proposal would provide an access with improved visibility to the SE; visibility in the NW direction would be significantly reduced. Furthermore the amount of vehicular traffic using the proposed access would be double the amount which currently uses the existing site access.
7. It is clear that the proposed access would achieve 2.0m x 43m visibility splays in both directions. Manual for Streets 2 advises that a minimum X distance of 2m may be considered in some slow-speed situations when flows on the minor arm are low. It further advises that an X distance of 2.4m should normally be used in most built-up areas. From the evidence I have before me I would not consider vehicle speeds to be slow in the vicinity of the appeal site, which also lies within a built-up area. It would therefore seem to me that the most appropriate X distance to apply would be 2.4m. I recognise that the Council may have accepted 2.0m x 43m visibility splays on a previous approval for an additional dwelling on this site, but that permission is no longer extant. Furthermore the approval was for a single additional dwelling and not therefore directly comparable.
8. I have taken into consideration the sites accessibility and the appellant's contention that there have not been any recorded injury accidents across the site frontage. However, the proposed new access would also have restricted visibility and would be used by double the amount of vehicles currently using the existing access. White Lee Road is a main road and the proposed access would be located relatively close to two crossroad junctions and on a rise in the road. For these reasons, I consider that it would be inappropriate to relax the sight lines recommended in national guidance. To allow the proposal would result in increased vehicular movements to and from the site via a proposed access which is substandard in visibility. This would result in an increased danger to other road users and occupiers of the site.
9. I conclude that the appeal proposal would cause harm to highway safety and as such would be contrary to Saved Policies BE1, D2 and T10 of the Kirklees Unitary Development Plan, 1999 which seek to ensure, amongst other things that new development does not prejudice highway safety.

Conclusion

10. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR