

Appeal Decision

Site visit made on 14 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 06 January 2017

Appeal Ref: APP/W4515/D/16/3163523
171 Rayleigh Drive, Wide Open NE13 6AN

- 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 Mrs Angela Priestly against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 16/01285/FULH, dated 2 August 2016, was refused by notice dated 20 October 2016.
 - The development proposed is section of fence as indicated in lieu of gates.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out.

Main Issue

3. The main issue is the effect of the development on highway and pedestrian safety.

Reasons

4. The appeal site is within a residential estate, in a corner location adjacent to the junction of two streets. The dwelling, which fronts onto Rayleigh Drive, previously incorporated a driveway for vehicle parking which took access from the adjacent Chantry Drive. However the former driveway has now been enclosed to form an extended rear garden for the appeal property. Accordingly, vehicle parking now takes place entirely at the front of the dwelling, accessed from Rayleigh Drive.
 5. The vehicular access and driveway in relation to the neighbouring property, 61 Chantry Drive, is situated immediately adjacent to the extended enclosed garden of No 171, including the fencing subject to the current appeal. It was evident from my visit that the immediate proximity of the proposed fencing at 1.3 metres in height, despite being shorter than panels set further back along the boundary, would impede inter-visibility between drivers seeking to emerge from No 61 and other road users and pedestrians.
 6. Given that the site is within a housing estate where there would be a lack of through traffic, there would not be a continuous or frequent stream of vehicles
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passing the site. Nevertheless, the proposal would remove the potentially available visibility splay which would result in a poor standard of visibility northwards towards the junction from the driveway. Similarly the visibility of vehicles reversing from No 61 to pedestrians and other road users would also be reduced. In addition, the proximity of the road junction to the site would mean that drivers having just manoeuvred into Chantry Drive would potentially have reduced awareness of the driveway serving No 61. I therefore concur with the Council that the risk of collision would be compounded due to this proximity.

7. Drawing the above considerations together, I conclude that the proposal would result in an unacceptable risk of collision between drivers emerging from No 61 and pedestrians or other road users. Accordingly the development would be in conflict with Policy H11 of the North Tyneside Council Unitary Development Plan 2002 and the Council's Supplementary Planning Document - LDD12 Transport and Highways - 2010 insofar as they seek proposals to take into account measures to realise a safe and secure environment including provision for parking whilst noting that the function of the street is a key consideration for parking design.

Other Matters

8. Residents have raised a number of concerns regarding the position and condition of conifer planting within the appeal property. However, this is not a matter for my deliberations in this appeal.

Conclusion

9. For the above reasons, and having taken into account all other points raised, the appeal should be dismissed.

Roy Merrett

INSPECTOR