
Appeal Decision

Site visit made on 31 January 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 13th February 2017

Appeal Ref: APP/F1040/W/16/3161576

210 High Street, Woodville, Swadlincote, DE11 7DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Graham Grouse against the decision of South Derbyshire District Council.
 - The application Ref 9/2016/0548, dated 29 May 2016, was refused by notice dated 10 October 2016.
 - The development proposed is outline planning permission for 1 No. new dwelling including access – all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters other than access reserved for future consideration. However, indicative plans showing a proposed site layout, new dwelling and example perspective images were also provided to which I have had regard.

Application for Costs

3. An application for costs was made by Mr Graham Grouse against South Derbyshire District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposed access on highway safety.

Reasons

5. The appeal site comprises the garden area of 210 High Street which is a semi-detached house. It is on the corner of High Street and Hepworth Road where there are traffic lights. No 210 has an existing access to High Street and another to Hepworth Road. The appeal scheme seeks to close the existing access to High Street such that No 210 and the proposed house would use the access to Hepworth Road.

6. A previous application¹ for a house on the site sought to use both the existing accesses (with No 210 to be accessed from High Street and the proposed dwelling from Hepworth Road). It was refused on highway safety grounds relating to visibility and proximity to the signalised junction.
7. On the basis of the submitted Go-surveys Ltd Transport Note (and subsequently provided additional information) including speed survey data, the Highway Authority is satisfied that the appeal scheme allows vehicles to enter and leave the site in forward gear and raises no objections in terms of visibility. However, it remains concerned about the increase in use of the Hepworth Road access given its proximity to the traffic lights and the potential for confusing vehicle manoeuvres.
8. The existing access to Hepworth Road is already utilised by No 210. That said, the parties agree that the appeal scheme would double the number of vehicles using it. Vehicle movements per day would increase from 8 to 16 which would amount to 4 additional two way vehicle movements each day.
9. The access is very near to the signal controlled junction where Hepworth Road meets High Street (the A511 linking Coalville with Swadlincote and Burton upon Trent). Both have a speed limit of 30 mph in the vicinity of the appeal site. In terms of traffic approaching from the south along Hepworth Road, the appellant estimates there would be only two extra left turns a day into the site. Vehicles are not travelling at high speed on approach to the junction and are slowing down as they reach the appeal site. The access would not be gated (this could be precluded by a planning condition) and the wide pavement in front of the appeal site provides space for vehicles to turn off the highway promptly.
10. Even so, in practical terms, cars would turn left into the site only very shortly before the traffic lights at the junction with High Street. Whilst the appellant refers to clear visibility on this stretch of Hepworth Road, I saw at my visit that there is a high fence to the back edge of the highway verge immediately to the south. This would to some extent obscure longer range views of the access to approaching drivers. In this context, I share the Highway Authority's concern that following drivers may not necessarily be aware of the access and could reasonably expect vehicles to be turning later, at the junction, rather than into the appal site. As such, they could misinterpret the signal to turn left.
11. On approaching the site from High Street, drivers will just have turned either right or left into Hepworth Road at the traffic lights. Having entered Hepworth Road, they would be immediately looking to turn right into the appeal site (directly after the pedestrian refuge in the middle of the road). Under either scenario the driver behind would not be expecting the second somewhat awkward manoeuvre, which would require a reduction in speed. This would occur at a point where vehicles joining Hepworth Road from High Street would be accelerating away to get through the lights and continue along Hepworth Road. Notably, drivers approaching from the west and turning right into Hepworth Lane would need to signal to turn right for the appeal site, which could be mistaken as being a continuation of the initial right turn signal at the lights rather than a further intended manoeuvre.

¹ 9/2015/0197

12. Drivers would then have to cross the northbound carriageway of Hepworth Road where other vehicles could be waiting at the lights to join High Street, directly outside the appeal site. There is also a cycle lane here. In such instances the access may be blocked and the driver seeking to enter the appeal site would have to stop and wait in the highway. The appellant considers that the driver could pull into the hatched area in the middle of Hepworth Road to allow following vehicles to pass. He also offers to fund any necessary re-lining of the road surface to formalise this arrangement and ensure it is kept clear.
13. I have seen no reaction from the Highway Authority to this suggestion. However, it seems to me that the hatched area on the approach to the pedestrian refuge is intended to separate the two opposing flows of traffic on Hepworth Road rather than to accommodate turning or waiting traffic. Moreover, the hatched area is not wide. The swept path analysis drawings in the appellant's Transport Note show that, even if vehicles were to wait within it at its widest point closest to the refuge and facing southwards (rather than westwards to face the site), they would to some degree overhang both the northbound and the southbound carriageways. As such, the proposal could also lead to following drivers stopping and waiting in the highway and result in vehicles backing up in the vicinity of the junction.
14. Taking all these factors into account, I consider that these manoeuvres associated with the appeal proposal's use of the Hepworth Road access, in such close proximity to the junction, would be unusual and generally unexpected in nature. This would be to the extent that they would lead to confusion for other drivers and the increased likelihood of rear end collisions. They would also have the potential to interfere with the free flow of traffic in the vicinity of the junction.
15. I note the appellant's view that Hepworth Road experiences traffic levels below its design capacity and am aware that there are no records of accidents arising from the existing use of the access. Nevertheless, even though there would not be a substantial number of vehicular movements associated with the proposal, in my view the increase in these manoeuvres would unacceptably compromise highway safety. This would be so even assuming that drivers pay proper and due attention as required by the Highway Code (as referred to by the appellant).
16. Whilst I acknowledge the appellant's view to the contrary, it is clear from the Highway Authority's statement that it has considered the potential benefits that would arise from the closure of the appeal site's other existing access to High Street. However, it argues that since No 210 is served by two access points, each access is potentially used only 50% of the time, and as such, the closure of the High Street access would be insufficient to offset a 100% increase in the use of the Hepworth Road access (which it considers to be unsafe). I concur with this view and confirm that the improvements in highway safety arising from the closure of the High Street access would not be of such a scale as to outweigh the harm that would be caused by the proposed increase in use of the Hepworth Road access.
17. Thus, I find overall that the proposal would fail to provide safe and suitable access to the site as required by paragraph 32 of the National Planning Policy Framework (the Framework). I also confirm in this regard that the scheme's residual cumulative impacts would be severe.

18. I therefore conclude on the main issue that the proposed access would be harmful to highway safety. This would be contrary to Policy INF2 of the South Derbyshire Local Plan Part 1 which is permissive of new development provided that (amongst other things) travel generated by it has no undue detrimental impact on highway safety and the efficiency of transport infrastructure (criterion a) and that appropriate provision is made for the safe and convenient access to and within the development for pedestrians, cyclists, public transport users and the private car (criterion b).

Other matters

19. The Council raises no other objections to the scheme and no other areas of conflict with the development plan or the Framework are identified. The absence of harm in these regards counts neither for nor against the proposed development.
20. The proposal would provide a dwelling which would contribute to housing land supply. It would also create construction jobs and the future residents would support local services and facilities. However, given its small scale, the scheme's contribution in all these regards would not be great and, even taken together, these benefits would be insufficient to outweigh the harm I have identified in relation to the main issue in this case.
21. The appellant refers to paragraph 49 of the Framework but acknowledges that the Council's Local Plan is up to date. He also cites the Framework's presumption in favour of sustainable development. However, since I have seen nothing to demonstrate that the development plan is absent, silent or the relevant policies are out of date, and because I have found the proposal to be contrary to the development plan, paragraph 14 of the Framework does not apply.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR