
Appeal Decision

Site visit made on 28 February 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 March 2017

Appeal Ref: APP/J4423/D/16/3165170
39 Greenhill Avenue, Sheffield, S8 7TA

- 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 D Hill against the decision of Sheffield City Council.
 - The application Ref 16/03832/FUL, dated 10 October 2016, was refused by notice dated 21 November 2016.
 - The development proposed is the laying out and construction of a means of vehicular access and hardstanding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed access on highway and pedestrian safety.

Reasons

3. The appeal property is a semi-detached house on the north side of Greenhill Avenue in a residential area of similar properties. It is set at a considerably higher level than the road (estimated by the Council to be around 1.3 metres and the appellant to be 1.26 metres) and is separated from it by a grass verge and footpath which runs in front of the properties at the top of the slope.
 4. The proposal seeks the construction of a vehicular access from Greenhill Avenue which would lead to a parking area in front of the appeal property. In order to ensure that the footpath at the top of the slope remains level (with no cross fall or dip) the submitted cross section drawing indicates that the access would be at a gradient of around 1 in 3. The appellant regards the change in level to be 1.26 metres in 5.3 metres, and therefore at a gradient of 0.7 in 3. Notwithstanding this disagreement between the parties as to the precise gradient, the driveway would be very steep.
 5. There are a number of other driveways which have already been constructed nearby. Within the run of houses from No 19 to No 53 the Council estimates there to be around 12 driveways. However, of these only Nos 37 and 45 have been subject to planning applications. These two examples were found to be permitted development since at that time Greenhill Avenue was an unclassified road (it was classified in 2007/2008).
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6. In any event, the appeal property is at a high point on Greenhill Avenue on the most elevated part of the street where the height difference between the houses and the road is at its greatest. As such, the proposed driveway would be at a gradient that would be likely to exceed those of the existing driveways nearby.
7. The Council does not dispute that the proposed driveway would provide a good view of approaching traffic in both directions. Unlike the other examples nearby, the proposal would not result in the dipping of the footpath and the appellant estimates a total of only around 4 vehicle movements to and from the appeal site per day.
8. Notwithstanding these factors, the Council is concerned about a lack of grip on the driveway (for both vehicles and pedestrians) during bad weather conditions, the potential for vehicles to roll into the road, the increased risk of vehicles stalling, along with excessive engine revving up the drive (and the associated potential for excessive speeds across the pavement). The appellant advises that the driveway would be cleared in bad weather and considers that these concerns are based on assumptions that drivers are not competent and have lost control of their vehicle.
9. Nevertheless, it seems to me that in practical terms, negotiating the significant gradient of the proposed driveway, even in good weather conditions, would not be straight forward and would involve somewhat difficult driving manoeuvres. In particular, drivers would have less control over the speed of their vehicle on the steep gradient that is proposed. Moreover, the Council advises that drivers would have to either enter or leave the parking area in front of the appeal property in reverse gear. The appellant does not dispute this. Manoeuvres onto and off the driveway would be even more challenging in reverse.
10. In my view, the steepness of the driveway, along with the significant change in level where it would join the road, would also mean that, even in a forward gear, vehicles would not be able to exit or enter the highway promptly. As a classified road Greenhill Avenue is identified as an important connective route through the local area and slow or waiting vehicles there would increase the potential for collision between vehicles and disrupt the free flow of traffic. Drivers would also be required to traverse the footpath in front of the appeal property (where pedestrians may be crossing) directly at the top of the significant incline.
11. In this overall context, the excessive gradient of the driveway would make vehicles more difficult to control and, even for competent drivers, could lead to the particular issues raised by the Council. As such, the proposal would be likely to lead to an increase in the potential for conflict between both vehicles, and between vehicles and pedestrians, and would be detrimental to the free flow of traffic in Greenhill Avenue. That the Council has provided no comments from the Highway Authority (or Highway Officer) does not alter my view.
12. Additionally, the parking area would be constructed of porous materials and the migration of surface water onto the driveway and then onto the highway could not be ruled out. This could cause a safety hazard, particularly in winter where the water freezes. As such, whilst not determinative, this factor adds to my view that the proposal would be unsatisfactory.

13. The Council is also concerned about the grounding of vehicles where the drive would meet the pavement and considers that such damage may lead to parking on the driveway itself where vehicles would overhang the footpath. However, the appellant confirms that the new surface would be graded to avoid a sharp change in levels, and that he has no intention of parking on the driveway itself which would in any event be precluded by its small size. As such, I see no reason why parking would be likely to take place on the driveway. Even so, this does not alter the harm I have identified above.
14. The appellant considers it unsafe to park on Greenhill Avenue in front of the appeal property since it causes an obstruction that interrupts the free flow of traffic and advises that his parked car was subject to a collision there. He currently parks in Glen View Road opposite the appeal property which is reached by crossing Greenhill Avenue, and regards both these options to cause a risk of accident and injury to himself and his young family.
15. On the other hand, the Council considers that due to the width of the carriageway in Greenhill Avenue, the continuation of on-street parking there would not lead to significant problems in highway safety terms. From my own observations on site, even taking into account that there are no records of any accidents arising from the use of the existing driveways, I am not convinced that the appellant's fallback position of continuing to park on either Greenhill Avenue or Glen View Road would be more detrimental to highway and pedestrian safety than the appeal scheme.
16. There are benefits to the appellant and his family of being able to park within the curtilage of the appeal property rather than on the street. The proposal would also allow him the choice of purchasing an electric/hybrid car and the provision of a charging point. However, even taken together, these benefits are insufficient to outweigh the harm I have identified.
17. I therefore conclude that the proposed access would be harmful to highway and pedestrian safety. It would thus be contrary to Policy H14 of the Sheffield Unitary Development Plan which is permissive of development provided that (amongst other things) it would provide safe access to the highway network and appropriate off-street parking and would not endanger pedestrians (criterion d).

Conclusion

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

Elaine Worthington

INSPECTOR