
Appeal Decision

Site visit made on 8 February 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 14th March 2017

Appeal Ref: APP/W4705/W/16/3161874

364 Whitehall Road, Wyke, Bradford BD12 9LN

- 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 James Firth against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/03890/FUL, dated 18 May 2016, was refused by notice dated 12 September 2016.
 - The development proposed is construction of one pair semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the use of the proposed vehicular accesses on highway safety and the efficiency of the highway network in the vicinity of the appeal site.

Reasons

3. The appeal site comprises of the garden area of 364 Whitehall Road. The existing detached dwelling fronts onto Whitehall Road, though is set back from the roadside behind a front garden and low wall. The site extends to the rear, with an existing gated vehicular access into the site from Westfield Lane. This punctures a high wall which stretches across the width of the appeal site's frontage.
 4. The site is adjacent to a petrol filling station that has access points on both Whitehall Road and Westfield Lane. Both of the site's frontages are relatively close to a large traffic light controlled crossroads. On the opposite side of the site to the petrol filling station on Westfield Lane is a single detached dwelling. A short distance beyond this is the residential cul-de-sac of Escroft Avenue, which also has a junction with Westfield Lane.
 5. There would be two access points serving the proposed semi-detached dwellings fronting on to Westfield Lane. The existing access would be moved and modified to serve one dwelling, with a new access created for the other. The height of the wall would be reduced to 900mm. Two tandem parking spaces would be provided to the side of each dwelling. There would be no space within the site for the turning of vehicles and thus cars would have to either enter or leave the spaces in reverse. There would also be no space for
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- parked cars to pass each other and thus when two cars are parked, one would be blocked in.
6. While my observations can represent only a snapshot of normal highway conditions, I observed that Westfield Lane is a busy road, with fairly constant and continuous traffic passing by the site in both directions. Whitehall Road appeared somewhat busier and thus I am conscious of the relatively high potential for vehicles to be turning into Westfield Lane from the crossroads, in addition to traffic approaching the junction from the direction of the site. I visited the site after the likely morning peak and it would be reasonable to assume there would be an increase in passing traffic over and above what I observed at certain parts of the day.
 7. While it is possible that occupants would leave the site in a forward gear at times, it would be reasonable to assume that for the sake of convenience, future occupiers are most likely to access the site in a forward gear and reverse out. In any event, there would be no way of providing any realistic form of control over this. As such, I must have regard to the high level of probability that occupants will be reversing into the highway and the hazard that this manoeuvre is likely to cause.
 8. While Westfield Lane is relatively wide and straight, I am concerned that cars reversing into the highway in such close proximity to the crossroads and Escroft Close would not result in a safe means of accessing or leaving the site. The visibility splays identified on the submitted plans presumably do not take account of the likely need to reverse out of the spaces. Exiting the site in this direction would alter the visibility characteristics of the accesses to a considerable extent. I would expect vehicles to have to reverse some distance before they could realistically see if it were safe to exit the site. This may include crossing the pavement, where it exists, to some extent or other. Not only would this put drivers leaving the site and approaching it from the junctions at risk, it would also create an additional hazard for pedestrians. I do not consider the reduction in height of the wall would fully mitigate or remove the risk or ensure adequate visibility in relation to reversing. In addition, I also noted that the high side boundary wall of the petrol filling station would remain in place, creating something of an obstruction to visibility from Plot 1 in particular.
 9. The necessary vehicular movements between the highway and appeal site would create additional hazards and conflict for road users, further exacerbated by the two junctions near to the site. There have been suggestions from interested parties that there have been a number of accidents in the area. While I have had nothing which corroborates this, or explains the causes of any accidents that may have occurred, I have also not been provided with anything that demonstrates accidents have not occurred within the vicinity of the site.
 10. While there has been a suggestion that vehicles passing the site would not be travelling at high speeds, there is no substantive evidence before me relating to either the speed or volume of vehicles passing the site. Without this evidence, or that relating to accidents, I am not convinced that reversing into the highway would not cause a material hazard to road users or that there would be sufficient time for appropriate action to be taken to avoid resulting conflicts or obstructions.

11. The risks associated with the development would be exacerbated by the tandem nature of the parking spaces and the likelihood of increased manoeuvring outside the site to allow the 'blocked' vehicle to exit. Vehicles involved in protracted manoeuvres entering and exiting the site would be likely to increase the intensity of vehicle movements to the detriment of the free flow of traffic passing the site. This would also increase the highway safety risk associated with potential conflicts between manoeuvring vehicles and oncoming traffic.
12. In coming to this conclusion, I have had regard to the fact there may be other dwellings in the vicinity of the site where occupants must reverse into Westfield Lane. However, I do not see this as a convincing argument to allow an increase in the number of potential points of vehicular conflict on this part of the road or the intensification in the number of trips and manoeuvres likely to be taking place.
13. I have also had regard to the fact that there is an existing access onto Westfield Lane from the site. Nonetheless, there is space within the grounds of No 364 for vehicles to turn and both access and exit the site in a forward gear. Moreover, if there is more than one vehicle using the access or parking at No 364, there is space for vehicles to pass each other within the site, thus negating the need for more complex manoeuvres in the public highway to allow 'blocked' cars to pass. I consider that both the change in nature of the existing access, and the increase in the number of access points, leads to a significant material difference between the existing situation and that proposed.
14. I have also noted that there was no sustained objection from the Highway Authority in relation to the Westfield Lane accesses. Notwithstanding this, I have come to my own conclusions based on the likely safety implications of the development, the evidence before me and my own observations of the site and wider area.
15. Based on the evidence before me, therefore, I find there would be a material risk to the safety of road users and pedestrians as a result of the development and the need to reverse into or out of the accesses would cause conflict with the efficient operation of the highway network. Accordingly, there would be conflict with Policy TM19A of the Replacement Unitary Development Plan¹ (UDP) which states that the impact on road safety will be considered in determining each planning application. I also consider that the development would conflict with paragraph 32 of the National Planning Policy Framework (the Framework) insofar as it would not provide a safe and suitable access into the site.

Other matters

16. The development would also result in a new vehicular access to serve No 364 on Whitehall Road. This would provide access to two parking spaces and turning space to allow vehicles to enter and leave the site in a forward gear. The Council's reason for refusal does not mention this element of the proposal and I saw nothing to suggest that an acceptable access could not be achieved. However, this does not alter my view that the access arrangements on Westfield Lane would give rise to an unacceptable risk to highway safety.

¹ Replacement Unitary Development Plan for the Bradford District – Adopted October 2005

17. The Council have confirmed that they are unable to demonstrate a five year supply of deliverable housing land. Notwithstanding this, Policy TM19A is not a policy relating to the supply of housing and is thus not considered out of date in the context of paragraph 49 of the Framework. Paragraph 211 confirms that policies should not be considered out of date simply because they were adopted prior to the Framework. The consideration of the impact of development on highway safety is broadly consistent with the Framework and I therefore attach significant weight to this policy in accordance with paragraph 215 of that document. In this case, therefore, I do not consider the relevant development plan policy to be absent, silent or out-of-date for the purpose of paragraph 14.
18. Nevertheless, I have still had regard to the benefits of the development in relation to the provision of additional housing in an area with good access to facilities. I also recognise that the Council raised no objections in relation to the effect of the development on character or appearance of the area or the living conditions of nearby residents. While I saw nothing to suggest I should disagree with their conclusions on these matters, these factors do not outweigh my overriding concern regarding the increase in risk to highway safety. Therefore, I consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits in any event.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR