
Appeal Decision

Site visit made on 28 February 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/H1033/D/16/3167499

4 Cracken View, New Smithy, Chinley, High Peak SK23 6DZ

- 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 Lee Benstead against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0393, dated 4 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is described as 'proposed drop kerb'.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in the appeal is the effect of the proposal on highway safety, with particular regard to visibility.

Reasons

3. The appeal site is located on the A624 Hayfield Road a busy route linking Chinley with Glossop. The speed limit outside the appeal site is 30mph, rising to 50mph as you leave Chinley. The appeal property is set back from the highway and the front garden provides space to the front of the dwelling that would allow the parking of a vehicle. Stone walls form the boundaries between the host dwelling and neighbouring properties. Moreover, based on my observations some of the properties in the terrace had parking spaces, including some with dropped kerbs. The proposal is to lay out a dropped kerb with direct access off the A624.
 4. I have carefully considered the appellant's representations in relation to the proposed dropped kerb/access, including their photographs (visibility, highway markings, and other examples of accesses), copies of accident statistics and newspaper cutting in relation to a road traffic fatality. However, the area at the front of the dwelling is narrow and constrained by the stone boundary walls which both limits visibility and would not allow vehicles to enter and leave the site in a forward gear. Furthermore, the County Council (highways) have stated that exit visibility splays of at least 2.4m x 47m would be required at the proposed access location. To achieve the required visibility for vehicles leaving the area at the front of the host dwelling would require the appellant to secure land either side of his property, which is outside the appeal site boundary. There is no substantive evidence before me to demonstrate that this could be
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achieved or that a legal agreement allowing for the provision of visibility splays is in place. In the absence of such evidence I conclude that adequate visibility could not be attained and the proposal would result in severe harm to the safety of all road users.

5. I therefore find that the proposal conflicts with Policy CF6 of the High Peak Local Plan. This policy amongst other things seeks to ensure that development does not materially harm highway safety.

Other considerations

6. The appellant has directed my attention to a number of other vehicular accesses/dropped kerbs in the locality and cited these as setting a precedent for his proposal. However, I have limited information about their history, but inevitably their context would differ to that of the scheme before me, and so their presence does not lead me to a different view in this case.

Conclusion

7. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR