
Appeal Decision

Site visit made on 9 May 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/A3010/D/16/3166299

Riding Court Farm, Main Street, Clarbrough, Retford, Nottinghamshire DN22 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 Gavin Levett against the decision of Bassetlaw District Council.
 - The application Ref 16/01046/HSE, dated 31 July 2016, was refused by notice dated 12 October 2016.
 - The development proposed is new access to domestic property from a classified road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

3. The appeal site is situated on Main Street which is the main route through Clarbrough and is the A620 distributor road. The route is well-trafficked and carries a range of vehicles, including medium and large commercial vehicles, service buses and articulated heavy goods vehicles through the village. The appeal site is located on a relatively straight section of the route. However, a post box, lamp post and telegraph pole are positioned close to the front boundary of the appeal property and close to the proposed access.
 4. Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies document (CS) states that development will only be acceptable where it does not have a detrimental impact on highway safety. Furthermore, the Council's adopted Residential Parking Standards Supplementary Planning Document (SPD) sets out the minimum required parking standards which the Council seeks to be met by new development.
 5. The proposed access onto Main Street would have a restricted visibility splay due to the position of the nearby Royal Mail post box. Furthermore, the nearby lamp post and telegraph pole would also have a limiting effect on visibility. From what I have seen and read, the required visibility splay of 2.4 metres x 43 metres would not be achieved from the proposed access and the appellant has not provided any justification that the achievable splays would be adequate for the measured vehicle speeds on Main Street.
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6. Whilst I observed limited on-street parking on Main Street at the time of the site visit, it is evident from the appellant that such parking occurs. Were the proposed access allowed, this would remain possible and unrestricted. In addition, the appeal property is slightly lower than the public highway. As a result, vehicles would rise slightly to the public highway when emerging from the access. I find that the combination of these matters with the impact of the nearby post box, lamp post and telegraph pole on visibility would be significantly detrimental to highway safety.
7. The appellant argues that the proposal would improve what is, in their view, a dangerous situation where vehicles park on the road outside the appeal property. The appellant also argues that several accesses nearby do not achieve the standard visibility splays sought by the SPD but have operated with no reported incidents or accidents. As such, it is argued that the proposal would be likely operate on a similar basis.
8. Notwithstanding this, I find that the proposal would add to the hazardous nature of this section of Main Street. There are no existing parking restrictions on the public highway and none have been proposed. Introducing a further access which would not provide acceptable visibility for drivers emerging from it and which would be unlikely to remove the potential for on-street parking in the area would have an adverse impact on highway safety in the area. On-street parking nearby would impede visibility for drivers of vehicles emerging from the access. It is my view that this would only exacerbate concerns regarding highway safety and increase the potential for conflict between vehicles parked on-street, those travelling along Main Street and those emerging from the proposed access.
9. I acknowledge that there are other accesses nearby and that these may not have splays which meet the standards set out in the Council's SPD. However, I do not have the details of these and therefore I cannot confirm this to be the case. Nevertheless, I find the impact of the number of obstructions to visibility in this case to be significant. Furthermore, I acknowledge the appellant's proposal to use a mirror to assist visibility at the access point. However, I find that this would not be a satisfactory or appropriate solution and would distract the attention of drivers from the public highway to the mirror.
10. The minimum parking provision for residential development according to the Council's SPD is two parking spaces for a three bedroom dwelling. The submitted layout provided by the appellant does not satisfactorily demonstrate adequate parking and manoeuvring space to allow at least two vehicles to enter and leave the site in a forward gear. Furthermore, the layout proposed would be relatively small and unlikely to allow a large family car to carry out the required manoeuvres. As a result, I find that this would potentially lead to vehicles reversing from the site onto Main Street.
11. Having had regard to the above matters, I find that the proposed development would result in a significant detrimental impact on highway safety in the surrounding area, with particular regard to the safe and efficient operation of the local highway network and the safety of all road users and pedestrians.
12. I have noted the alternative approaches which could be undertaken to achieve an acceptable proposal which include moving the front boundary wall of the appeal property back and relocating the telegraph pole, lamp post and post box. However, these are considered by the appellant to be unachievable and

unrealistic in practical and financial terms. Furthermore, I find that these would likely prove difficult to gain agreement from the relevant bodies necessary and would be time consuming to achieve.

13. I have had due regard to the appellant's personal circumstances and the challenges indicated as a result of the existing parking arrangements for the appeal property. Whilst I appreciate the points made and the potential benefits which the proposal would bring the appellant and their family, I must assess the proposal on the evidence before me and on its own merits and circumstances. As a result, I find that none of the above matters or benefits, when considered individually or cumulatively, would outweigh the significant harm I have identified.
14. Consequently, I conclude that the proposed development would have a significant adverse impact on the safe and efficient operation of the highway network in the vicinity of the appeal site and would not provide adequate space for required vehicular movements in to and out of the appeal site. It would therefore be contrary to Policy DM4 of the CS and the Council's SPD. Amongst other matters, this policy and guidance seeks to ensure that development has regard to highway safety and does not have a detrimental impact on it.

Conclusion

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

Andrew McCormack

INSPECTOR