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## Appeal Decisions

Site visit made on 23 May 2017

**by Elizabeth Pleasant DipTP MRTPI**

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

**Decision date: 14 June 2017**

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**Appeal Ref: APP/R0660/D/17/3173379**

**116 West Road, Congleton, Cheshire CW12 4EU**

- 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 Kevin Brooker against the decision of Cheshire East Council.
  - The application Ref 16/6174C, dated 21 December 2016, was refused by a notice dated 31 January 2017.
  - The development proposed is a drop kerb for vehicle access.
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Mr Kevin Brooker against Cheshire East Council. That application is the subject of a separate Decision.

### Procedural Matter

3. The application is described as a drop kerb for a vehicle access. The application drawings show proposed improvements to a vehicular access. It was clear from my site visit that works for the construction of a vehicle access had commenced, with a vehicle driveway created and surfaced in gravel. From what I saw, and from the evidence before me, there is no suggestion that the works being undertaken are not in accordance with those proposed in this case.

### Main Issue

4. The main issue in this case is the effect of the proposal on highway safety, having particular regard to the safe and efficient operation of the highway network in the vicinity of the appeal site.

### Reasons

5. No 116 is a traditional detached residential property which is situated above, and fronting towards the West Road (A34). Like its neighbours, and the majority of residential properties in the immediate locality, it has no direct vehicle access onto West Road. It also has no curtilage parking available.
  6. The proposed vehicle access would be 3.5m wide and be furnished with visibility splays and pedestrian inter-visibility splays which would comply with those recommended for a vehicle access onto a road where traffic speeds are limited to 30mph, as set out in Manual for Streets 1 and 2 (MfS). Furthermore,
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there is space to turn within the site which would enable vehicles to enter and leave the site in a forward gear. The Council does not appear to dispute that the geometry of the proposed access is acceptable.

7. The Council consider that the creation of a direct frontage access to this property from West Road would not be in the best interests of highway safety, in view of the volume of traffic which travels daily along this stretch of road. It points to guidance in MfS1 which recommends that the traffic flow limit for providing direct access onto roads with a 30-mph speed restriction should be at least 10,000 vehicles per day (vpd). The guidance further advises that there is good evidence that this figure could be raised further and that local authorities should review their standards with reference to their own traffic flows and personal injury records.
8. West Road is a busy classified road, with annual average daily traffic levels of over 30,000 vehicles, which is significantly higher than the recommended minimum of 10,000 vpd. A review of accident data has been provided by the appellant, and this shows that there have been seven accidents over the last ten years within a distance of 150metres (m) from the proposed site access, and four of those have been associated with traffic turning into and from side roads. The Highway Authority further advises that, if the accident analysis is extended eastwards for a further 400m, this pattern of accidents along West Road continues.
9. The area in the vicinity of the appeal site is characterised by residential properties and there are parking restrictions on either side of the carriageway, which is relatively narrow through this built up area. At the time of my visit, early afternoon on a weekday there was a continuous flow of heavy traffic travelling in both directions along West Road. Although, I recognise that this only provides a snap shot of traffic conditions, what I saw would appear to be consistent with the traffic flows of over 30,000 vpd and which are not disputed.
10. I accept that the recommendations set out in MfS are only guidance; however, the guidance has been produced on the basis of research, and I am also not persuaded that the guidance is not relevant to the introduction of a new single access point to an existing road, as is the case in this appeal. MfS clearly advises that the volume of traffic on a road is a factor to be taken into consideration when considering the provision of frontage vehicular access onto a street, and that a local authority should review their standards with reference to their own traffic flows and personal injury accidents.
11. I have taken into account the ability of vehicles to enter and exit the site in a forward gear, and I also understand that the access would be furnished with suitable visibility splays. However, in view of the substantial volume of traffic flowing along this stretch of West Road, and taking into account the accident data set out above, which I consider to be a significant material consideration, then the creation of an additional direct frontage vehicular access in this location would not in my opinion be in the best interests of the safe and efficient operation of the adjoining highway.
12. I recognise that the appellant currently has to park on Holmesville Avenue, and argues that as a consequence the new access would not result in any

additional vehicle turning movements onto or from West Road. However, the new access would create the opportunity for additional vehicle movements on a stretch of West Road where the volume of traffic is significant, and in a position where currently such vehicle movements cannot take place. I have also taken into consideration the number of vehicle trips that would be associated with the new access. However, neither of those considerations persuades me that a new access in this location would be acceptable. Furthermore, a new access in this location would make it difficult to resist similar proposals along this busy stretch of road, which if permitted, would cause further harm to the safe and efficient operation of the traffic on West Road.

13. Policy GR9 of the Congleton Borough Local Plan, First Review, 2005 aims to ensure, amongst other things, that adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway is provided. I have also had regard to paragraph 32 of the National Planning Policy Framework which the appellant considers to be relevant to this appeal. However, I am mindful of the judgement in *Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076 where it was found that in the context of the severe residential cumulative impact of development envisaged in the third bullet-point of paragraph 32, it is addressing matters of highway capacity and congestion, rather than being concerned with highway safety considerations in themselves. It is clear that the proposed development would not generate significant movements of traffic and I do not therefore consider the third bullet-point of paragraph 32 to be a material consideration in this case.
14. I have taken into consideration the new residential development off Forge Road. I do not know the precise details of this development; however I understand that it did not involve the creation of a new direct access onto West Road, and was for the redevelopment of a site with existing use rights. It is not therefore directly comparable to this case, and in any event, each case must be considered on its own merits.
15. It may be that traffic volumes will reduce along this stretch of the road once the Congleton Link Road has been completed. However, this project has yet to be delivered. I therefore give this consideration limited weight and have based my decision on existing highway conditions.
16. I conclude that the appeal proposal would have a harmful effect on highway safety, having particular regard to the safe and efficient operation of the highway network in the vicinity of the appeal site. It would be contrary to the development plan, and in particular Policy GR9 of the Congleton Borough Local Plan, First Review, 2005 the aims of which are set out above.

## **Conclusion**

17. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR