

Appeal Decision

Site visit made on 2 May 2017

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDip (Barrister) MRTPI IHBC

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

Decision date: 16 June 2017

Appeal Ref: APP/M0655/D/17/3172586
23 Lady Lane, Croft, Warrington WA3 7AY

- 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 Martin Benson against the decision of Warrington Borough Council.
 - The application Ref: 2016/29439, dated 6 December 2016, was refused by notice dated 3 February 2017.
 - The development is the "erection of gate posts with electrically-operated gates to the entrance to the driveway of the house".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the erection of electrically-operated gates on highway safety, both pedestrian and vehicular, in Lady Lane.

Reasons

3. No. 23 is a detached property positioned on the corner of Lady Lane and Emerald Drive. It has a high wall along the side boundary fronting onto Emerald Drive and a high hedge along its boundary with Lady Lane.
 4. At the time of my site visit, the gate posts and electrically operated gates had been erected. These gates are hung on large posts of around 2m in height. Due to the corner location of the access, it is slightly angled and thus the appeal gates are set back between about 1.76m and 2.08m from the edge of the carriageway.
 5. The road speed limit on Lady Lane is 30mph and the access point is an existing access. The Highways Authority state that the required standards for visibility on this road are 2.4m (x distance) x 43m (y distance) for vehicles exiting the appeal site and 2m (x distance) by 2m (y distance) for pedestrians. The existing access is substandard in terms of visibility for both vehicles and pedestrians. Both the Council and the appellant are aware that the access is below current standards.
 6. There is a recent large housing development behind the appeal site which is accessed via Emerald Drive. Emerald Drive has a footway adjacent to the appeal site which culminates in an uncontrolled pedestrian crossing defined by tactile paving immediately adjacent to the appeal site vehicular entrance.
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7. Prior to the erection of the gates, I understand there were no other barriers or restrictions to vehicles entering the appeal site.
8. The appeal gates when closed would result in any vehicle entering the appeal site from Lady Lane having either to wait in the carriageway while the gates are opened or if the vehicle tried to pull off Lady Lane into the access to wait for the gates to open. Thus, waiting vehicles would overhang the carriageway.
9. Furthermore, due to the proximity of the access point to the T-junction of Emerald Drive, vehicles waiting to turn into the access are likely to create confusion for those entering or exiting Emerald Drive.
10. While the appellant states that the gates would be left open during the day when he is working from home, this is not guaranteed and could not be controlled by the imposition of a condition as it would in effect remove the benefit of the permission. Moreover, it would not address the highway safety issue at night.
11. The appellant states that if the gates were closed then they could be operated in advance such that the gates would be open on arrival using a remote control. However, the appellant has not sufficiently demonstrated how the gates would be automatically activated. Moreover, it is unclear exactly where on Lady Lane that the driver would need to be positioned to ensure the activation would result in the efficient opening of the gates.
12. Thus it hasn't been adequately demonstrated that an entering vehicle would not obstruct the carriageway and cause congestion even with relatively low traffic speeds. In addition, remote activation of the gates could not be done by visitors to the appeal site. I note the appellant states that most visitors park on the carriageway rather than enter into the appeal site to park but again this is not guaranteed. On this basis, it is possible that drivers wishing to enter the appeal site, when the proposed gates are closed or when still in the process of opening, would have to wait either on the carriageway or attempt to enter the appeal site and overhang. This would result in an obstruction on the highway.
13. The appellant indicates that there is no need for pedestrians to cross the road near to the access gates as there is a footway with another crossing point on the other side of Emerald Drive. It is highly likely that pedestrians would use the other footway especially as there is no footpath across the driveway to the appeal site and beyond to the north and therefore there is no need for pedestrians to cross the driveway. On that basis, I do not consider that the appeal proposal would compromise pedestrian safety in terms of visibility by vehicles exiting or entering the site. On this basis the risk to pedestrian safety would be low.
14. I note the appellant maintains that it would be unfair to require better visibility for an access that has existed for many years. However, although the Highway Authority raises concerns, I consider that the fact the entrance to the appeal site has been substantially altered from hedging with an open entrance to the erection of gate piers and gates and that visibility is still below current standards does not weigh in favour of the scheme.
15. The appellant has referred to other gated accesses in the locality. I saw several. However, I do not know the background of these accesses. In any

case, I am required to determine each appeal on its own merits in the light of current policy. I have done so in this case.

16. This would result in conditions detrimental to highway safety in Lady Lane as approaching vehicles would be met with a stationary vehicle in the carriageway or a car overhanging the carriageway. This hazard would be exacerbated by the substandard visibility of the existing access.
17. Therefore, although I consider that the risk to pedestrian safety would be low, I find that the appeal proposal would result in conditions significantly detrimental to vehicular safety. This is the determining factor in this appeal. This would result in significant harm to highway safety on Lady Lane and would be contrary to Policy QE 6 of the *Warrington Borough Council Local Plan Core Strategy* adopted in 2014 (LP), which requires, amongst other things, that development should not have an adverse impact on the surrounding area including impacts on highway safety. It would also conflict with LP Policy CS1, which seeks to safeguard public safety. Furthermore, it is contrary to the National Planning Policy Framework, that safe and suitable access can be achieved at the site.

Other Matters

18. The Council has advised that the appeal site is located within the Green Belt. However, the parties have not commented on this point and it is not a matter on which the decision turns.

Conclusions

19. For the reasons given above, the appeal is dismissed.

Mrs A Fairclough

Inspector