



Appeal Decision

Site visit made on 4 July 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 18 July 2017

Appeal Ref: APP/A1015/W/17/3172962

Land to rear of 109 Middlecroft Road, Staveley, S43 3XH

- 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 James Muse against the decision of Chesterfield Borough Council.
 - The application Ref CHE/16/00717/FUL, dated 27 October 2017, was refused by notice dated 7 February 2017.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal is for 4 dwellings arranged in two pairs of semi-detached houses to the rear of Nos 109 and 111 Middlecroft Road.

Main Issues

3. The main issues are (i) the effect of the proposed development upon highway and pedestrian safety; and (ii) whether all the dwellings would provide acceptable living conditions for future occupiers in respect of private amenity space.

Reasons

Highway Safety

4. The access is an existing access between Nos 109 and 111. The access is off Middlecroft Road which is traffic calmed and is a bus route. Visibility onto the road from the access is good in both directions. However, the access is too narrow to allow two vehicles to pass and, at a distance of some 45m, it is fairly long. The Local Highway Authority says that where an access is bound by a wall fence or hedge, as in this case, the width should be a minimum of 5m. However, in this case the access is about 4.2m wide. This means that there is no room for refuge for pedestrians whilst cars are travelling along the access. In addition, if a car was coming out of the site, a car entering would have to wait / and or reverse onto the road to let the exiting vehicle pass. This would cause an obstruction and hazard on the highway. Whilst vehicles could turn within the site, this would not overcome the lack of 2-way movement.
5. Furthermore, there is insufficient space on the drive to leave bins whilst allowing adequate room for cars to pass. Therefore, on bin collection days, it is

likely that about 8 bins would be left on the highway or at the end of the drive. This would further obstruct cars and pedestrians. I understand that planning permission exists for 2 dwellings on the site but this proposal for 4 dwellings would represent a more intense use of the access.

6. I therefore conclude that the proposed dwelling would harm highway and pedestrian safety. Consequently, it would conflict with Policies CS2 and CS18 of the Chesterfield Local Plan Core Strategy, 2013 (CS), which indicate that development should provide adequate and safe vehicular access.

Living Conditions

7. The Council's Successful Places Supplementary Planning Document, 2013, (SPD) says that family houses are likely to require larger gardens and Table 4 of the SPD specifically says that 3 bedroomed houses should provide a minimum of 70 SqM of outdoor amenity space.
8. Plot 4 would have around 71SqM of amenity space but the rear gardens of Plots 1-3 would be of around 60SqM in area. As the proposed houses are 3 bedroomed this provision would not comply with the minimum standards. There would be inadequate private space for a combination of simultaneous outdoor family activities such as children's play, sitting out, growing plants and drying washing.
9. I therefore conclude that three of the dwellings would not provide acceptable living conditions for future occupiers in respect of the provision of private amenity space. Consequently, there would be conflict with CS Policies CS2 and CS18 which seek to ensure that development provides an acceptable level of amenity for its users.

Conclusion

10. Taking into account of the above and all other matters raised, I conclude that the development would be unacceptable and the appeal is dismissed.

Siobhan Watson

INSPECTOR