



Appeal Decision

Site visit made on 22 August 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 7th September 2017

Appeal Ref: APP/F1040/D/17/3178220

36 Lullington Road, Overseal, Swadlincote, Derbyshire DE12 6NG

- 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 Nathan Kinson against the decision of South Derbyshire District Council.
 - The application Ref 9/2017/0389, dated 11 April 2017, was refused by notice dated 19 June 2017.
 - The development proposed is the creation of a vehicular access and hardstanding.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development used in the heading above is taken from the Council's notice of refusal of planning permission, as it provides a technically slightly more accurate description than that stated on the planning application form.

Main Issue

3. The main issue is the effect on highway safety of the formation and use of the proposed access.

Reasons

4. Lullington Road leads from the centre of the village of Overseal and is lined on both sides by suburban-type housing. No. 36 forms the end unit of a row of semi-detached houses on the north side of the road, from which it is set back behind a long front garden. Permission is sought to make a vehicular access onto the road and to form a T-shaped area of hard standing immediately inside the front boundary.
5. The house occupies a wedge-shaped plot, as a result of which the garden frontage is some way wider than the others in the row, and is more akin to that of No.34 and other bungalows to the east. The proposed access would be formed next to the western boundary of the plot, adjoining the garden of No.38. At the time of my visit to the site, there was an existing narrow access at the other side of the frontage that gave entry onto a more confined area of hard standing. The appellant has explained that this was installed by a previous owner. The Council has not commented on its planning status but

reports that a previous application for an access in this location was refused permission in 2016¹. The access appeared to be informally made, as there was no dropped kerb and two blocks of wood were laid in the carriageway to ease the transition onto the footway.

6. That application was refused on grounds that the proposed access would not have adequate visibility and that vehicles emerging onto the highway would therefore pose a safety hazard. This remains the Council's concern about the current proposal, based on the advice of Derbyshire County Council as highway authority.
7. The appellant does not dispute that the visibility standard sought by the highway authority (2.4m x 43m) is appropriate. The appeal is not supported by sufficiently detailed scale plans that would show the precise dimensions of the access or the amount of visibility that would be achieved in each direction. The highway authority also seeks to impose further requirements² with regard to the alignment of the crossing and to pedestrian intervisibility splays at the back of the footway. These would have a bearing on the design and precise location of the footway crossing.
8. Instead the appellant seeks to rely on photographs showing the likely view from a vehicle exiting the site at the proposed location. But because of the curved alignment of Lullington Road, there is a marked change of direction at the boundary between Nos.36 and 34, and the grass verge in front of the row of houses runs out, resulting in a pinch point and reduced visibility. The photographs give some indication that there would be reasonable views of oncoming traffic from both directions, but they show that part of the carriageway would be hidden. They are not sufficiently precise to give full confidence that an emerging vehicle, particularly one reversing onto the carriageway, would not have its view to the east significantly obscured by the pinch point. Without more accurate plans, the site visit evidence is also rather inconclusive.
9. I acknowledge that this length of road has many accesses on both sides, so that drivers should be alert to the possibility of vehicles emerging. All others in the row of similar houses, except No.38 next door to the appeal property, currently have footway crossings. I have some sympathy with the appellant's concern that some of these, including a recently formed access at No.40, which would allow two vehicles to reverse onto the road³, might have slightly worse visibility than the appeal proposal would have. I have not been informed of the history of these accesses or whether planning permission was given for their formation. But a concern that there might already be sub-standard visibility does not provide good justification for potential additional risk.
10. I am mindful of the government-backed advice of the *Manual for Streets*⁴ and the *Manual for Streets* 2⁵ that direct frontage access even to heavily trafficked roads has not been found to be linked to high accident rates. It is unlikely that either volume or speed of traffic would make this location any different. The Council has not provided evidence of any history of accidents on this stretch of road. The *Manual for Streets* advises that one of the factors to be taken into

¹ Application ref. 9/2016/0567

² By means of conditions in the event that the appeal were to be allowed and planning permission granted.

³ This was also being used at the time of my visit to allow a car to park on the grass at No.38.

⁴ Section 7.9

⁵ Paragraph 9.10.5

account in providing access would be the distance between the property boundary and the carriageway. In this instance, the presence of some depth of grass verge would undoubtedly assist visibility in both directions.

11. Nevertheless, because of the double-curved alignment of this stretch of road and the speed limit currently in force, I consider that the formation of an additional access in this location requires careful justification. On the evidence currently available, I am unable to conclude that the proposal would not result in a safety hazard. As it stands, the proposal would be contrary to Policy INF2 of the South Derbyshire Local Plan Part 1, which seeks safe and convenient access. The other policies referred to in the Council's reason for refusal do not appear to be directly relevant.
12. For the reasons set out above, I conclude that the appeal should be dismissed.

Brendan Lyons

INSPECTOR