
Appeal Decision

Site visit made on 11 October 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 1 November 2017

Appeal Ref: APP/M1005/W/17/3178924
5 The Pastures, Duffield, Belper DE56 4EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Hive against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2016/1230, dated 23 November 2016, was refused by notice dated 11 January 2017.
 - The development proposed is outline application (all matters reserved) for one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety, with reference to the junction between The Pastures and Hazelwood Road and the suitability of the carriageway at the appeal site.

Reasons

3. The Pastures is a narrow dead-end road serving eight or so detached dwellings sitting to the west of Hazelwood Road. The junction between these roads is the only entrance to and exit from The Pastures. At the junction, The Pastures is roughly perpendicular to Hazelwood Road and is wide enough for only one vehicle. The carriageway at The Pastures varies along its length from approximately three to five metres wide.

The Pastures and Hazelwood Road Junction

4. There is narrow footpath on the western side of Hazelwood Road south of the junction, approximately half a metre wide. To the north of the junction there is a much narrower kerbed area that appears to be principally designed to ensure some distance between parked cars and the wall of the properties fronting the street.
5. Hazelwood Road is a reasonably busy village street and is a continuation of King Street, which is the main street through the northern half of the village above the River Ecclesbourne. King Street links directly to the busy A6 a short distance to the southeast of the entrance to The Pastures. The speed limit on King Street and Hazelwood Road is 30 mph.

6. The boundaries of the properties either side of the junction with The Pastures are delineated by substantial stone walls that abut the footpath to the south and the narrow kerbed area to the north. There is mature vegetation behind these walls on both sides of the junction and the walls rise roughly to the height of a standard car.
7. At the time of my site visit there were several cars parked to the north of the junction on the western side of Hazelwood Road, but none on the southern side for some distance. I appreciate that this was just a snapshot and that the location and number of parked cars is likely to vary at different times of the day.
8. Derbyshire County Council Highways Department has measured the achievable visibility at the junction in both directions at approximately ten metres from a standard 2.4 metre set back position. The required achievable visibility for a 30 mph road is 43 metres.
9. The appellant has provided a speed survey conducted on 2 May 2017 between 1310 and 1700 hours. This survey identified a range of speeds for both northbound and southbound traffic. In its analysis of traffic the survey relied on guidance from the Manual for Streets and concluded that at the mean observed speeds the required achievable visibility should be 27.35 metres for northbound traffic, and 30.86 metres for southbound traffic.
10. The appellant stated that the parked cars on Hazelwood Road effectively created a single lane carriageway that acted as a traffic calming measure. The appellant also stated that the parked cars created a refuge in front of the junction between The Pastures and Hazelwood Road. It is the appellant's contention that this space enables vehicles exiting The Pastures to sit forwards of the walls either side of the junction thereby increasing achievable visibility. The appellant's measurements suggest that 27 metres of visibility is achievable to the south and 31 metres to the north.
11. The appellants own measurements suggest that a sufficient achievable visibility can be obtained for southbound traffic, namely 31 metres against a measured requirement of 30.86 metres. The 27 metres measurement for northbound traffic appears to fall short of the measured requirement of 27.35 metres. It is not clear from the statement whether this results from rounding figures up or down.
12. However, I note that these measurements were taken on a single day, for a limited period and that traffic and parking will differ throughout the day and on different days of the week. The conditions described by the appellant did not match those at the time of my site visit, when there were no cars south of the junction that would have provided a refuge for vehicles emerging from The Pastures.
13. I consider that achievable visibility should be measured by reference to conditions that could reasonably be expected to occur rather than on the basis of observations on one day that would not necessarily be replicated. In the absence of parked cars to the south of the junction the visibility would be limited to the ten metres or so identified by the County Council's Highways Department. To achieve greater visibility would require a vehicle to enter into the carriageway by some distance.

14. The County Council's Highways Department identified the potential problem of a vehicle trying to exit The Pastures at the same time as another vehicle was attempting to enter. Because of the narrowness of the junction, any vehicle entering The Pastures would need the road ahead to be clear. The walls either side of the junction restrict the view into The Pastures and exiting vehicles would not be seen until the approaching vehicle was quite close.
15. If two such vehicles did meet, it could create a potential hazard of the vehicle seeking to enter The Pastures having to reverse into the carriageway on Hazelwood Road to make way for the exiting vehicle. The problems of achievable visibility would be significantly exacerbated for a reversing vehicle.
16. I take account of the appellant's reference to larger vehicles such as the refuse collection trucks using the junction. However, the drivers of such vehicles have a significantly elevated driving position and their view would not be hindered by the walls either side of the junction when entering or exiting The Pastures.
17. The appellant's contention that the junction should be considered acceptable because improvements were made to comply with a condition imposed on planning permission for the conversion of the former St Alkmund's Church Hall. However, the County Council's Highways Department is clear that the improvements were to ensure the maximum achievable visibility, and not compliance with minimum requirements.
18. On the evidence before me I have no reason to dispute the assertion that to enable an existing building to be reused despite problems with the junction, betterment was the best that could be achieved.
19. Notwithstanding the existing use, I conclude that the junction between The Pastures and Hazelwood Road is substandard and therefore the development would not be in accordance with Policies TP1 and H12 of the Amber Valley Borough Local Plan 2006 (the Local Plan), which together seek to ensure that developments provide satisfactory access to the transport network.

Suitability of the Carriageway at The Pastures

20. The narrow layout of the carriageway at The Pastures precludes the free flow of two-way traffic. However, there are numerous places where vehicles can pass and forward visibility is generally good. The one significant bend in the road where visibility is less clear has traffic-calming speed bumps set in the road surface. The carriageway is wide enough for refuse collection vehicles to service the dwellings.
21. There are no footpaths in The Pastures so pedestrians and cyclists must share the same carriageway as vehicles. However, given the visibility, the traffic calming measures and the relatively small number of dwellings I consider the shared carriageway does not create a significant problem.
22. The few houses in The Pastures are unlikely to create a significant traffic flow and I consider that the addition of a single further dwelling would not cause a detrimental increase in vehicle journeys beyond the carriageway's capacity.
23. Therefore, I conclude that the existing carriageway serving The Pastures is sufficient for the purposes of the proposed development and would be in accordance with Policies TP1 and H12 of the Local Plan, which together seek to ensure that developments provide satisfactory access to the transport network.

However, the acceptability of the carriageway within The Pastures is significantly outweighed by the risks associated with the substandard nature of the junction between The Pastures and Hazelwood Road.

Other Matters

24. The appellant has provided accident and personal injury statistics for The Pastures and Hazelwood Road in the vicinity of the junction. I note that there have been no major accidents or injuries in the past five years and only two minor collisions some way away from the junction. While this is a material consideration to which I give significant weight, it is not sufficient data to outweigh the policy considerations and risk of collision posed by the current configuration of the junction.

Conclusion

25. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should be dismissed.

D Guiver

INSPECTOR