



Appeal Decision

Site visit made on 7 November 2017

by R A Exton Dip URP MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/X4725/W/17/3179262

61 Kirkgate Wakefield WF1 1HX

- 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 Alan Robinson against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 17/00626/FUL, dated 6 March 2017, was refused by notice dated 16 June 2017.
 - The development proposed is described as to put two tables and four chairs outside the café and to fit an awning.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on pedestrian and highway safety.

Reasons

3. The appeal site is situated on the eastern side of Kirkgate and comprises the pavement in front of No 61 Kirkgate. Neighbouring land uses consist of the usual town centre mix of shops and services.
4. There is a relatively wide pavement in front of No 61 on the road edge of which is a bus shelter. From my observations on site and the Council's evidence this appears to be a frequently used bus stop throughout the day. The amount of people waiting at the bus stop at any given time appears to vary throughout the day. Both the Council's and appellant's evidence state that Kirkgate can become congested at peak times.
5. The proposal would narrow the width of the footpath behind the bus shelter thus creating a pinch point by limiting the passage of pedestrians. On my site visit I noted this effect, as described by the appellant, arising from chairs and tables on the pavement in front of No 63 Kirkgate.
6. I consider that the pattern of queuing is also likely to vary depending on weather conditions. At the time of my site visit it was raining and pedestrians were queuing underneath and on the pavement side of the bus. This significantly reduced the width of footpath available to passing pedestrians particularly where children's push chairs formed part of the queue. I consider that with the proposal in place, a combination of poor weather and peak

pedestrian flows would be highly likely to create severe congestion that may encourage pedestrians to step into the carriageway.

7. I note the appellant's comments and photographs relating to the pattern of queuing in relation to the bus stop. However, given the limited information and lack of detail on timing of the photographs, I can only afford this evidence very limited weight. The particular situation portrayed is also a 'snap shot in time', and not necessarily indicative of peak periods of activity or different weather conditions.
8. Overall, I conclude that the proposal would be detrimental to pedestrian and highway safety. As such it would conflict with Policy D14 of the Wakefield MDC Local Development Framework Development Policies DPD adopted 2009. This requires proposals to provide pedestrian connections with the site and its surroundings and ensure the safe and free flow of traffic.

Other matters

9. I note the appellant's comments regarding other properties with seating areas or goods on display in the vicinity and the effect these may have on pedestrian and highway safety. These however do not form part of the consideration of this appeal. I have assessed this appeal on its own merits based on the policies and evidence before me and the other properties referred to do not lead me to a different conclusion.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR