
Appeal Decision

Site visit made on 11 June 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/M1005/D/19/3226336

181 Birchwood Lane, Somercotes, Derbyshire

- 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 Mrs Kathleen Brown against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2018/0790, dated 1 August 2018, was refused by notice dated 19 February 2019.
 - The development proposed is described as a drop kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original description of development was for a 'drop kerb'. The Council describes the development as the 'formation of vehicular access', this is also implied by the appellant on the appeal form. Neither party have provided any confirmation that a revised description has been agreed, nevertheless, I have adopted the Council's description as I consider this to be a more accurate description of the proposal and have considered the appeal on this basis.
3. The vehicular access has been laid out and therefore I am considering this appeal retrospectively.
4. There was some inconsistency between the persons named on the application form, the Council's decision notice and the appeal form. However, the Council have now confirmed that the applicant and appellant is Mrs Kathleen Brown.

Main Issue

5. The main issue is the effect of the proposed vehicular access on highway safety, with particular regard to visibility.

Reasons

6. The appeal property is a semi-detached house located on Birchwood Lane, a reasonably busy classified road that leads eastwards from Somercotes Hill. Due to the topography of the area the road slopes from west down to east as it passes the appeal site. The appeal site has a particularly narrow frontage onto the highway and is flanked by solid panel fencing along its western boundary with 179 Birchwood Lane and a solid brick wall along its eastern boundary with 183 Birchwood Lane.

7. The proposal does not include any visibility splays to either side of the vehicular access, however, the Highway Authority advise that a splay of 47 metres in each direction measured from a point 2.4 meters back from the highway edge is required to ensure adequate visibility. The appellant does not dispute this and having considered that Birchwood Lane is a reasonably busy road with a 30mph limit and forms part of a local bus route I too, based on the evidence before me, have no reason to dispute this requirement.
8. It was clear to me during my site visit that the narrow frontage coupled with the scale and proximity of the adjacent boundaries severely restrict the visibility from the proposed vehicular access. This is further exacerbated by the staggered relationship between the appeal site and No 183 Birchwood Lane which sits much further forward in the street scene with its boundary wall jutting out well beyond the frontage of No 181, further restricting visibility. The level of visibility is considerably less than the requirements set out by the Highway Authority to ensure an acceptable level of highway safety, and I note their objection in this regard.
9. The visibility from the proposed vehicular access is constrained to such a degree that a driver exiting the driveway in a forward gear is unlikely to be able to safely see oncoming vehicles, including cyclists, until a large part of the vehicle had manoeuvred onto the carriageway. This creates a significant risk for vehicle collisions and as such I find that this would have an unacceptable adverse effect on highway safety. Furthermore, there would not be sufficient space for vehicles to turn within the site and consequently the proposal will likely result in vehicles reversing out onto the highway with severely restricted visibility. This would undoubtably compromise highway safety.
10. It is suggested that other driveways in the area are restricted to a similar degree to that of the appeal site, however, I do not have the details of these other sites before me and therefore cannot be sure that they are directly comparable. In any case I have considered the appeal on its own merits.
11. There is also a suggestion that signage could be used to overcome any highway safety issues, but I have not been provided with any compelling evidence to demonstrate that this could overcome the risks associated with the significant lack of visibility.
12. I appreciate the appellant is concerned with the displacement of off-street parking provision should this appeal be unsuccessful, however, this does not outweigh the harm to highway safety as a result of the proposal.
13. Consequently, the appeal proposal is detrimental to highway safety, posing an unacceptable risk to users of the highway along Birchwood Lane, and therefore contrary to saved policies TP1 and H12 of the Amber Valley Borough Local Plan 2006 and Section 9 of the Framework which together seek to ensure safe and satisfactory access to the highway network.

Conclusion

14. For the reasons I have set out, the appeal is dismissed.

Jeff Tweddle

INSPECTOR