The Planning Inspectorate

Appeal Decision

Site visit made on 22 July 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/D2320/D/19/3228573
405 Blackburn Road, Higher Wheelton, PR6 8HY

- 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 Morris against the decision of Chorley Council.
- The application Ref 19/00028/FUL, dated 9 January 2019, was refused by notice dated 18 April 2019.
- The development proposed is extension of drop curb and vehicle access for one vehicle with a 360 degree turntable for entry and exit to drive in forward gear.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, Part E of the appeal form states that the description of development has changed to "Widening of existing dropped kerb and vehicle access to front of property and installation of a car turntable". The main parties have provided written confirmation of the change to the description of development and I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal property is an end of terrace property with a modest garden fronting onto the A674 Blackburn Road. The property sits immediately adjacent to another terrace of five properties which are set forward by approximately 3.5 metres. These properties follow the curve of the A674 which falls away to the north.

5. The proposal is to install a widened dropped kerb and vehicle turntable to the front of the appeal site to facilitate off street parking. The Council and Highway Authority's concerns focus on whether users of the widened driveway would benefit from adequate visibility in a north easterly direction. There are no concerns raised in respect of the widened dropped kerb and vehicle turntable. I agree with this view.

6. I noted during my site visit that the visibility from the front of the appeal property is very poor, particularly in a north easterly direction, due to the

positioning of the properties and their associated boundary treatments, parked cars and the curve of the A674. To the west, visibility is slightly better however, during my morning site visit I noted the presence of several parked cars which further impeded views in both directions. In addition, I noted that the road was very busy. I recognise that my site visit represents a snap shot in time, but my observations broadly reflect those described by the Council. The A674 is a busy road with a variety of road users and whilst I accept that the use of a turntable would facilitate egress in a forward gear, poor visibility in a north easterly direction would, due to the circumstances described above, have a significant effect on a driver's ability to enter the highway safely leading to serious injury.

7. During the Council's consideration of the planning application, the appellant amended the proposal to include the installation of a convex mirror to assist with visibility. They have provided detailed information in this regard and whilst I do not doubt that the mirror would assist visibility to some extent, I am not convinced that it is appropriate to rely on what is in effect a demountable aid to ensure safe egress from the site.

8. I acknowledge a range of other supplementary suggestions and assurances offered by the appellant including the use of a "peep and creep method" of egressing the drive and the use of a vandal proof, maintenance free mirror. However, these methods rely solely on the diligence of the homeowner and as planning permission runs with the land this could not be secured in perpetuity. Furthermore, none of these measures could be effectively secured via an enforceable planning condition that would meet the six tests set out in the Planning Practice Guidance (PPG) because any such condition requiring ongoing action by an individual would place undue burden on the Council to monitor and pose an issue around detecting a contravention. In any event, none of the measures suggested would overcome the harm to highway safety that I have identified.

9. The appellant has referred to the off-street parking arrangements at 399 Blackburn Road. While there is a need for consistent decision-making, there are no specific details of that development before me, and therefore I am unable to say whether or not the two schemes are directly comparable. Thus, the scheme at No 399 carries little weight.

10. Additionally, reference is made to the convenience store at no. 412 Blackburn Road. Again, I do not have full details of this scheme before me but I note that the Highway Authority has commented that sight lines are good in this location and I saw on my site visit that because the store is located on the inside of the bend in the road visibility is far better than at the appeal site. Consequently, the scheme at no. 412 draws little comparison to the appeal proposal and does not alter my conclusions.

11. I therefore conclude that the proposal would have an unacceptable impact on highway safety. In this regard, the proposal would conflict with Policy BNE1 of the Chorley Local Plan 2015 which requires new developments to, amongst other things, have regard to the cumulative effect of proposals on highway safety, pedestrian safety and the free flow of traffic.

Other Matters

12. I note the appellant's references to inconsistencies in the Council's application of policy between this case and others that they are aware of. However, I can only determine this appeal on its own merits and whilst I acknowledge that the appellant wishes to improve their family home such matters do not outweigh the harm I have found.

Conclusion

13. For the reasons set out above I conclude the appeal should be dismissed.

Julie Hunter

INSPECTOR