



Appeal Decision

Site visit made on 5 August 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2019

Appeal Ref: APP/P3040/W/19/3229371

Land North East of 27 to 43 Main Street, East Bridgford NG13 8PA

- 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 Ray Shelton against the decision of Rushcliffe Borough Council.
 - The application Ref 18/02791/FUL, dated 4 December 2018, was refused by notice dated 8 April 2019.
 - The development proposed is: Erection of a 1-storey green roof, bio-diverse house with garage and associated access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The site is located within the designated East Bridgford Conservation Area (the CA). The Council has refused planning permission on the basis that the development would have a harmful effect upon highway safety. The Council has not refused planning permission on the ground that the development harms the character or appearance of the CA, and I have no reason to take a different approach. In that context, the main issue is the effect of the development on highway and pedestrian safety in the vicinity of the site.

Reasons

3. The proposed dwelling (the proposal) would be located on a site to the rear of Main Street. Access would be gained via the driveway between numbers 15 and 25. The access is wide enough to allow one vehicle to enter or leave at a time. A short distance from the entrance the proposed access would bend to the right and pass between the boundary of nos 21 and 23 and carry on a short distance to the site.
4. There is some space for the parking of residents' cars in the section of drive between the entrance from Main Street and the point where the access would pass close to no 23. The appellant tells me that there are 4 properties using the access, including the approved barn conversion. The access is also used when visiting the site to maintain it.
5. At the access with the street there is footpath and visibility is restricted by boundary walls to either side and, at some times, the presence of cars parked either side of the access on the street. At the time of my visit most available parking spaces on the side of Main Street adjacent the access were in use. There is a pedestrian crossing point on the road to one side of the access, with a white line road marking, over which a car was parked. I accept that normally,

the presence of the crossing point will deter many drivers from parking at that side of the access, however at times that will not be the case. I have no reason to consider that the level of parking at the time of my visit was unusual, for example it was not pick up time at the nearby primary school.

6. Visibility is therefore limited. The Highways Authority assesses the distance as being 7m to the left and 8m to the right. At the time of my visit not even these distances were possible due to the presence of parked vehicles. These distances would be acceptable were traffic speeds to be less than 11 mph. The speed survey carried out by the appellant found that the 85th percentile speed for the section of road was around 22 -24 miles per hour. The Council does not dispute the finding, but that does not overcome concerns regarding highway safety.
7. I observed vehicles travelling along the stretch of Main Street to the front at speeds which gave me concern that a vehicle emerging from the entrance would, at times, only be seen by the oncoming driver a short distance before the entrance, and would be at risk of collision. The presence of parked cars on one side of the road did not appear to moderate the speed of some drivers.
8. There is a similar entrance on the opposite side of the road, a short distance from the access to be used in the proposal. This serves around 10 dwellings in Mill Gate. Visibility to the left is similar to that at the appeal site, partly restricted by the presence of a telephone call box. However to the right the visibility is greater, due to the presence of a low brick wall and railings which allow a driver to see oncoming traffic in that direction. At the time of my visit no cars were parked on the same side of the road as Mill Gate, and given the width of Main Street it seems unlikely that cars would park both sides of the road at most times.
9. Planning permission exists for the conversion of the brick barn adjacent to the site¹. Whilst the occupiers of the dwelling to be created by the conversion would use the same access as that now proposed, I understand that they will be able to use a parking space used in the past by another property.
10. The appellant is able to access the site for its present use, which is described in the application form as agriculture. The use of the access by the occupiers of a dwelling would be more regular, and visibility at the access onto Main Street would be significantly more difficult from a car than an agricultural vehicle such as a tractor.
11. The accident record for the road is low. However, that does not overcome concerns that the additional traffic which would use the access, as a consequence of the proposal, could lead to accidents in the future due to the restricted visibility available to drivers exiting the site.
12. For the reasons given I therefore conclude that the proposal would adversely affect highway safety, contrary to Policy GP2 of the Rushcliffe Borough Non – Statutory Replacement Local Plan² and the Framework, which aim to ensure that development does not compromise highway safety.

¹ Local Planning Authority Ref. 18/00628/FUL

² Adopted December 2006

Conclusion

13. For the above reasons and taking account of other matters raised, the appeal is dismissed.

Tim Wheeler

INSPECTOR