
Appeal Decision

Site visit made on 2 September 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/N4720/W/19/3226428

Tyersal Lane, Tyersal, Bradford, West Yorkshire BD4 0ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Gleeson Regeneration Ltd against the decision of Leeds City Council.
 - The application Ref 19/00907/COND, dated 12 February 2019, sought approval of details pursuant to condition No 5 of a planning permission Ref 15/04151/FU, granted on 29 April 2016.
 - The application was refused by notice dated 13 March 2019.
 - The development proposed is residential development of 270 houses with associated roads, sewers and infrastructure.
 - The details for which approval is sought are surfacing materials.
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Decision

1. The appeal is allowed and the details submitted pursuant to condition No 5 attached to planning permission Ref 15/04151/FU granted on 29 April 2016 in accordance with the application Ref 19/00907/COND dated 12 February 2019 and the plan TOD713 are approved.

Procedural Matters

2. Following the Council's determination of the application, the appellant has submitted a revised specification for the surfacing, which includes a weed membrane. Given the minor nature of the revision, I am satisfied that my consideration of it would not prejudice any interested parties. Accordingly, I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on highway safety and the character and appearance of the area.

Reasons

Highway Safety

4. The proposed surfacing of the driveways would comprise a 2m bitumen macadam apron followed by permeable crushed aggregate, beneath which a weed membrane would be installed.
5. The use of loose material in proximity of a road can result in stones being displaced onto the highway, which could result in a number of potential

incidents, including, cars skidding; stones potentially hitting other vehicles/pedestrians; gullies becoming blocked; or, damage to road surfaces. During my site visit I noted that a very small amount of stone had made its way onto the road. However, this was based on the existing 1.5 bitumen apron. The proposed 2m apron would provide an even greater barrier for stone to pass over and therefore it would be unlikely that any significant amount of displaced stones would reach the road or even the footpath. Any stones that do so would likely be so few that any potential risk they would pose to highway or pedestrian safety would be negligible, even taking into account the large number of dwellings that would incorporate the proposed surfacing.

6. I have had regard to the appellant's compelling argument that there is little evidence of any such incidents occurring as a result of loose materials being displaced onto the road, particularly in the circumstances as proposed. Indeed, there is no evidence before me that any existing displaced stones have caused any incidents on the site.
7. Residents pulling wheelie bins across the driveway would possibly displace some of the stone. However, it is unlikely that it would be to such an extent that it would cause any harm.
8. The Council confirm that the local highway authority objected to the details submitted with the application to discharge condition No 5 on the basis that 'all areas to be used by vehicles and as an access by pedestrians to dwellings must be hard surfaced and drained (the use of loose materials is not acceptable).' I have not been presented with a copy of the local highways authority's correspondence confirming this. However, the appellant does not dispute these comments. Notwithstanding this, the appellant has provided copies of correspondence between them and the local Council's S38 Senior Engineer (Highway Schemes). In item 5 of this correspondence, the Council officer states 'Unsealed and loose material such as crushed stone, gravel or pebbles is not acceptable within 2m of the adoptable highway.' This suggests that the use of loose material 2m or more from the adoptable highway could be acceptable.
9. Overall, I find that the proposal would not have any unacceptable harm on highway safety. As such, it would comply with Policy T2 of the Leeds Core Strategy, which seeks to ensure that new development does not create or materially add to problems of safety, environment or efficiency on the highway network.

Character and Appearance

10. The proposed weed membrane would satisfactorily address one of the Council's concerns regarding the effect of the loose material on the character and appearance of the area by way of minimising weed growth.
11. Overtime, the loose material would become uneven as vehicles pass over it and create indentations, which can lead to the sub-base being exposed, which has already occurred on a number of driveways. Furthermore, due to their lighter colour, the stones contrast with the darker bitumen apron. If they become displaced onto the apron, this highlights their contrasting colours even further. However, both of these issues are simply rectified by raking/sweeping the stones to their original form, which forms part of any general maintenance work carried out to a property, such as cutting lawns or trimming hedges.

Whilst I acknowledge that some residents may not carry out such duties as often as others, I do not consider that their failure to do so would have any significantly harmful effect on the character and appearance of the area.

12. Furthermore, I acknowledge that a full bitumen driveway would have a 'cleaner' and perhaps more attractive appearance than that proposed. However, my consideration of the appeal is whether what is proposed is acceptable, not whether there would be a more suitable alternative.
13. I find therefore that the proposal would not have any significantly harmful effect on the character and appearance of the area. Whilst the Council have not referred me to any specific policies within the development plan relating to this issue, I find no conflict with the design objectives of the National Planning Policy Framework.

Other Matters

14. I have been referred to a number of appeal decisions by the Council whereby the Inspectors found unacceptable harm with regard to the effect of the loose material driveways on highway safety and the character and appearance of the area. However, the details before me of these dismissed schemes are limited and therefore I cannot be certain that there are any direct comparisons with the specification of the current appeal, in particular the length of the bitumen apron and the use of a weed membrane, that weigh against it.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Alexander Walker

INSPECTOR