
Appeal Decision

Site visit made on 17 September 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/V0728/W/19/3232391

Overdene, Victoria Terrace, Saltburn By The Sea TS12 1JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Smith against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2018/0607/OO, dated 9 October 2018, was refused by notice dated 5 April 2019.
 - The development proposed is an outline application for 2 no. new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline form with all matters reserved for future consideration. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only. Nevertheless, it is apparent from the evidence of the main parties and my site visit that the point of access could only reasonably be taken from the private drive. Hence, I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on highway safety by way of the proposed access arrangements.

Reasons

Highway Safety

4. The appeal site comprises an area of land which is served via a private drive from Victoria Terrace. This currently accesses 4 separate dwellings. Woodlea lies opposite the site and Sylvan is found further along the private drive. Portland House is located fairly close to where the private drive joins Victoria Terrace, although it is still accessed from it. Whitwell House is also accessed from the private drive and it does not have another means of ready vehicular access because a fence separates it from a further shared access which joins onto Victoria Road.
5. With the addition of the 2 proposed dwellings, this would exceed the number of properties which are to be served from such a private drive under the Council's

Design Guide & Specification: Residential and Industrial Development (2018, as amended) (the Design Guide).

6. The private drive is also not of an insignificant length from the site to where it meets Victoria Terrace and its use would involve a steep incline before the access to Whitwell House is joined. It then curves around the perimeter of Portland House to the road junction. It is of a reasonable tarmac construction, but is single width and contains no designated passing places or footways.
7. When these attributes of the private drive are taken together, in my view, a further 2 dwellings would have the potential to cause significant safety concerns. In particular, this would result from the manoeuvrability of associated vehicular movements if more than one vehicle is attempting to utilise these narrow and twisting arrangements. Similarly, this also has the potential to raise pedestrian safety issues, with the shared private drive space, even if vehicle speeds are low. The potential for parking and associated manoeuvrability space for each proposed dwelling to be provided within the site would not, in itself, improve the conditions along the private drive.
8. I accept that the Council's private access standards should not be seen as an absolute in terms of the numbers of properties that are to be accessed. Rather, a consideration of the site specific highway safety issues is required. The same also applies as regards the other highways standards that I have been referred to. In the context of the site, though, this does not favour the proposal for the reasons that I have set out. Nor would the visibility at the Victoria Terrace junction or the general driving conditions along this road alleviate the harm because they would not address the safety matters that arise along the private drive itself.
9. An outline approval would form the planning permission for the proposal. Accordingly, with the harm that I have identified, this is not a matter which could be left to reserved matters and conditions without, in effect, nullifying the planning permission.
10. I conclude that the proposal would have an unacceptable effect on highway safety by way of the proposed access arrangements. As such, it would not comply with Policy SD4 p. of the Redcar & Cleveland Borough Council, Redcar & Cleveland Local Plan (2018) which states that development proposals will be expected to provide suitable and safe vehicular access and parking suitable for its use and location. For similar reasons, it would also not comply with the Design Guide.

Other Matters

11. The appellant considers the proposal would assist in meeting an unfulfilled demand for residential properties in Saltburn, as identified in the Council's Strategic Housing Market Assessment (2016), because detached and executive style homes are envisaged. Still, such a benefit would be on a moderate scale as 2 additional dwellings would result. This would not outweigh the harm that I have identified. Matters have also been raised in relation to the principle of a housing development on the site. However, the issue on which my decision rests concerns highway safety.
12. The site lies within the Saltburn Conservation Area. Nearest the site are spacious plots which contain large dwellings that exhibit features in an Arts and

Crafts style. Two dwellings on this size of site in what is a secluded location would maintain this character. In accordance with the statutory duty pursuant to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would preserve or enhance the character or appearance of the conservation area.

13. The site is found within 6 kilometres of the Teesmouth and Cleveland Coast Special Protection Area, according to the Council's submissions. If the circumstances leading to a grant of permission had been present, I would have been required to give further consideration to the impact upon this European Site in accordance with the Conservation of Habitats and Species Regulations (2017). However, as I am minded to dismiss the appeal on other grounds, no further consideration of this matter is required.
14. Similarly, in relation to a number of other issues that interested parties have raised, these do not alter my overall conclusion and have, therefore, not had a significant bearing on my decision.

Conclusion

15. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. As a consequence, the appeal should be dismissed.

Darren Hendley

INSPECTOR