



Appeal Decision

Site visit made on 28 August 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/X4725/W/19/3222681

Land at Pontefract Road, Knottingley WF11 9BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 as amended for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Dan Ramsden of Gleeson Developments Ltd against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 18/01120/FUL, dated 12 April 2018, was refused by notice dated 21 August 2018.
 - The application sought planning permission for residential development of 116 dwellings for all reserved matters pursuant to outline approval 13/02183/OUT without complying with a condition attached to planning permission Ref: 16/01910/REM, dated 10 February 2017.
 - The condition in dispute is No.4 which states that: *The development shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a hardened, sealed and drained surface. Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. Such areas shall be retained as such for the lifetime of the development.*
 - The reason given for the condition is: *In the interest of amenity and traffic safety.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On the day of the site visit to the appeal site, other housing developments by the appellant at Rainsborough Park in Knottingley, School Street in Upton and Lowfield Drive in Bolton-on-Deane were also visited. Crushed aggregate drives with bitmac aprons have been installed at these sites.

Background and Main Issues

3. The site is an extension to a recent area of housing development. Some of the units have been built and are occupied, and some of the appeal site is under construction. Driveways which have been installed so far are of crushed aggregate surfacing, behind a bitmac apron. The proposal seeks to amend the specification for the dwellings' driveways from a hardened, sealed and drained surface to the latter 'aggregate and apron' type.

4. The **main issue** is whether the condition is necessary, having regard to the effect of the proposal on:
 - a) the character and appearance of the area, and
 - b) the accessibility of the dwellings, having regard to safety and convenience.

Reasons

Character and appearance

5. The site is located adjacent to an earlier, recent phase of housing development at Rainsborough Park, with a school and twentieth century housing beyond to the north and east. The adjacent recent residential development typically comprises two-storey dwellings with 'aggregate and apron' surfaced driveways, whilst the twentieth-century housing is broadly a mix of one and two-storey dwellings, some of which have off-street parking. The driveways of the latter properties are typically paved or concrete surfaced.
6. The proposal entails driveways for 116 dwellings. The front gardens of the dwellings built so far on the site, and on the earlier phase at Rainsborough Park, are generally laid to turf without planting, walling or railings, with driveways located to the front and side of houses. The majority of houses on the appeal site are located or proposed on gently curving stretches of road.
7. During my visit to the appeal site and the other sites, I saw that the light coloured, angular crushed aggregate surface of the driveways has the appearance of bare and functional sub-base, which results in an unfinished look which lacks aesthetic quality. The colouring and angular texture of the aggregate contrasts with the brickwork on the houses, which draws attention to the driveways.
8. There were noticeable examples of aggregate spill onto tarmac aprons and pavements on the Rainsborough Park and Lowfield Road sites. This leads me to find that, notwithstanding any interlocking of material between component layers, aggregate spill onto pavements and roadways is likely to occur to a noticeable degree on the appeal site in the future. Given that such spill is uncomfortable to walk on, on top of tarmac, pedestrians would have to navigate around it, thereby further drawing attention to the driveways.
9. I observed a number of examples on the School Street site of aggregate driveway surfacing not meeting flush with utility covers, and the latter projecting up above the former. Moreover, rutting of some driveways by car wheels was evident on the other sites. The above factors result in an uneven surface.
10. The rising topography on site, and the visual characteristics described together lead to an unfinished appearance which is prominent and noticeable, and would be more so once the outstanding units are built. Furthermore, driveways on corner plots and at the end of streets have particular prominence. Moreover, the cumulative extent of the driveways on 116 plots - on a development with an open-plan feel with high levels of intervisibility between the front of plots - would emphasise the visual impact of the aggregate surfacing.
11. The above factors, in combination, lead me to find that 'en masse' the proposal would give the development an unfinished and unkempt appearance. Moreover,

the unfinished appearance would result in a jarring juxtaposition with the finish of the houses. Moreover, it would give the impression of a lack of durability and quality to the external areas around the houses.

12. Whilst my observations during my site visits are a 'snapshot in time', they were made across several sites which together constitute a substantial amount of housing development, of various ages. Moreover, other appeals¹ drawn to my attention show that other Inspectors have reached similar conclusions in terms of character and appearance, in respect of some other of the appellant's developments.
13. The addition of a weed-suppressant membrane to the driveway specification would initially inhibit weed growth. However, should the membrane become exposed due to rutting and displacement of the aggregate, it is possible that the membrane would become displaced and damaged. As such, I have no certainty that the membrane would remain in place sufficiently to suppress weeds longer term. Even if the membrane were to remain in place, this would not outweigh the other concerns identified.
14. My attention is drawn to appeal decisions to allow aggregate driveways on some other of the appellant's sites, at Pottery Bank in Newcastle upon Tyne², in Huyton³ and in Tyersal⁴. The Inspectors in the other cases found that the proposal would not harm the visual amenity of the area. Furthermore, the appellant reports that they have installed aggregate driveways at approximately 6,000 properties, and that Councils in Barrow, Northumberland, Sunderland and Kirklees encourage them to install such drives. The appellant considers that aggregate surfacing is an attractive and fit for purpose material for driveways on the appeal site.
15. Nonetheless, my attention is also brought to a number of appeal decisions⁵ on some other of the appellant's developments in Yorkshire, which found the character and appearance effect of proposed aggregate driveways to be unacceptable. Moreover, my assessment is informed by my observations of the effect and performance of aggregate driveways 'in situ', during my visits to the appeal site - which has its own layout and topography - and the other sites at Rainsborough Park, School Street and Lowfield Drive.
16. The Gleeson Manual's requirement for purchasers to clear aggregate from footpaths and roads, and to treat weeds, is noted. However, from what I saw of aggregate spill and weed growth across the sites, not all residents would regularly undertake these tasks sufficiently to avoid the site having an unkempt appearance.
17. The inclusion of loose gravel as one of many simple ways that a green or gravel driveway can be created within the DCLG and Environment Agency's Guidance on the permeable surfacing of front gardens (2008) (CPSFG) is noted. It is acknowledged that the proposed aggregate surfacing is likely to be more permeable than sealed tarmac surfacing, and therefore be beneficial in terms of sustainable urban drainage. The appellant's evidence illustrates that aggregate driveways have a lower carbon footprint than tarmac. However,

¹ APP/R4408/W/17/3170208, APP/R4408/W/17/3170851, 3212127.

² APP/M4510/W/17/3175245.

³ APP/V4305/W/18/3209862.

⁴ APP/N4720/W/19/3226428.

⁵ Appeal Refs. as per Footnote 1.

notwithstanding the above, these considerations do not outweigh the need for the proposed development to be sufficiently durable and acceptable in terms of character and appearance.

18. The appellant would be willing to increase the length of the bitmac apron from 1.5m to 2m, which could be secured by planning condition. However, even if the driveways specification was thus amended, the majority of the proposed driveways' area would be aggregate surfaced, with the consequent harm outlined above.
19. In conclusion, the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CS10 of the Wakefield Core Strategy (2009) (CS) and D9 of the Wakefield Development Policies document (2009) (DP). Together the policies seek to ensure that development complements local character and provides a high quality design and setting.

Accessibility with regard to safety and convenience

20. The appellant's images show the aggregate surface not impeding movement by a wide variety of users, including those with impaired mobility. I note the other Inspectors' finding in the Pottery Bank appeal⁶ that aggregate would not present a significant difficulty in terms of accessibility for a variety of users with different forms of mobility impairment. However, given the likelihood of aggregate displacement and rutting which I have identified in respect of the proposal before me, I cannot be certain that a sufficiently level surface would endure on driveways to assure such future accessibility.
21. The slippage of the proposed aggregate surfacing around utility covers would result in a risk of pedestrians tripping on some driveways. Moreover, aggregate spill onto aprons, pavements and roadways is likely to occur to a noticeable degree, for the reasons described above. When displaced on top of tarmac, the angular aggregate would be uncomfortable for pedestrians to walk over and inconvenient to walk around. Even if the length of the bitmac apron were increased by 0.5m to 2m, most of the proposed driveways' area would be aggregate surfaced, with the consequent harm outlined above.
22. I accept that the aggregate spill would not be of a small, rounded size and shape likely to cause a significant skid risk for cyclists or motorists on roadways and pavements beyond the driveways. Moreover, there is not a substantive record before me of accidents on roads and pavements, arising from other of the appellant's other developments with completed aggregate driveway surfaces.
23. My attention is drawn to the conclusion in other appeal decisions⁷ that such aggregate driveways are detrimental to highway safety. Having considered these and the specific circumstances and evidence of the case before me, I conclude, for the reasons described above, that the proposal would not be harmful to highway safety in respect of skid risk for cyclists or motorists on roads and pavements. However, for pedestrians, including those with mobility impairments, it would result in discomfort and inconvenience, and trip risk on the driveways themselves. Moreover, it would not provide certainty of accessibility on the driveways to people with impaired mobility.

⁶ Appeal Ref. as per Footnote 2.

⁷ Appeal Refs. as per Footnote No.1.

24. Taking the above together, I find that the proposal would, overall, result in significant harm to convenience of access on driveways, pavements and roadways for pedestrians, including those with impaired mobility. It would also, to a lesser extent, harm safety of pedestrians on driveways due to trip risk. As such, the proposal would conflict with Policy D14 of the DP, which seeks to ensure, amongst other things, that development can be accessed conveniently and safely by all sections of the community.

Other Matters

25. The lower cost of aggregate driveways compared to tarmac may well contribute to competitive house purchase prices on the site. However, the driveways are a fraction of the overall build, and there is not substantive evidence before me that the increased cost of sealed surfacing would make the scheme unviable or prevent purchasers from buying their properties.

Conclusion

26. For the reasons given and taking account of all other material considerations, I conclude that condition No.4 is necessary and, consequently, the appeal should be dismissed.

William Cooper

INSPECTOR