



Appeal Decision

Site visit made on 19 August 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/N4720/W/19/3228286

Land adjacent to 87 Oxford Drive, Kippax, Leeds, LS25 7JD

- 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 Alison Green and Clare Buckle against the decision of Leeds City Council.
 - The application Ref 18/04744/FU, dated 18 July 2018, was refused by notice dated 9 November 2018.
 - The development proposed is erection of a detached dwelling and amendment to access provision.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Since the application was determined the Council has adopted the Core Strategy 2019. However, the policies relevant to this appeal are not significantly different to those of the Core Strategy 2014 referred to in the Decision Notice.
4. In light of the appellants' comments, I have considered whether Policy T2 of the Core Strategy (CS), referred to in the reasons for refusal, is relevant in this case. However, it is clear that the policy requires adequate provision for access from the highway network, that does not create or materially add to problems of safety or efficiency on the highway network. It is therefore relevant in the determination of this appeal. However, Policy H2, also referred to in the reasons for refusal, relates to the impact of new development on, amongst other things, the capacity of highway infrastructure. Given that no capacity issues have been raised in this appeal, this policy is not determinative.

Main Issue

5. The main issue for consideration in this appeal is whether a safe and suitable access can be achieved.

Reasons

6. The appeal site is an area of grassland formerly associated with No.87 Oxford Drive to the north. The site is accessed via a track leading from Oxford Drive, which crosses a small bridge over a beck, and currently serves a large detached house to the south of the appeal site as well as the aforementioned No.87, which comprises a large detached bungalow and several small flats contained behind gates at the end of the track.
7. The proposal involves the construction of a large detached dwelling and amendments to the access provision, including realignment and widening of the bridge over the beck. The house itself would be of two-storey construction, with brick facing walls and a tiled roof. Evidently the appellants have purchased additional land to the south of the existing access and intend to widen it into this area to alleviate concerns regarding visibility.
8. The Street Design Guide Supplementary Planning Document (the SPD) states when considering visibility at a junction in a built-up area, an 'X' distance of 2.4m and 'Y' distance of 43m should be utilised to ensure drivers can egress onto the highway safely on a road with a 30 miles per hour (MPH) speed limit. This was at the time of the application being considered. Recently, the speed limit on Oxford Drive has been reduced to 20mph, which I did note during the site visit. It therefore follows that the minimum distances for visibility should be reduced to 2m (X) x 25m (Y). The submitted Transport Statement (TS) undertaken by the appellant asserts a visibility distance of 23.9m to the north and 24.2m to the south is required based on the results of a speed survey and speed stopping distances (SSD), which are both broadly in line with the SPD figure.
9. However, the available visibility measured within the TS is given as 8m to the north and 17.4m to the south, which is significantly below the recommended distance. While Manual for Streets 2 (MfS2) found failure to provide visibility at priority junctions in accordance with the values recommended in MfS1 or DMRB does not necessarily equate to an increased risk of injury collisions, visibility of 14m to the north and 34.2m to the south is only achievable based on the vehicle protruding 1m into the carriageway. Even so, the required visibility to the north still falls below required standards with a 1m offset. While this may be an improvement over the existing visibility at the site, it still falls well below those requirements set forth by the SPD.
10. Cars park along the far side of Oxford Drive outside the adjacent houses, meaning passing vehicles heading south would be forced to the wrong side of the road while using this street. Having a vehicle protrude 1m into the road to gain a suitable view of oncoming traffic approaching from this direction in particular would not be safe and cause a significant risk to the safe operation of a highway. A plan showing forward visibility of vehicles travelling along Oxford Drive approaching the access point has also been submitted, but this shows the splays from both directions passes through the edge of the pavement and road. I witnessed on the site visit many cars parked along this side of the road, along with vehicles such as camper vans parked on driveways. This would therefore not equate to an unobscured distance of visibility to the junction.
11. Submitted correspondence with the Council shows there have been no reported road traffic collisions along this stretch of road since records began in 1979.

However, this does not mean it is safe. The number of vehicular movements would be limited, but would nonetheless increase as a result of the proposal.

12. Furthermore, the existing access lane, while already serving several residences, fails to provide adequate turning space for service and emergency vehicles. The lane is circa 60m long, and the site plans indicate turning for large vehicles would be accommodated using the driveway of the proposed dwelling. While a condition is suggested to ensure gates are set back far enough to ensure turning can still be facilitated, I am not convinced this would be reasonable of a prospective resident to allow large vehicles to turn in their driveway. This could lead to an undesirable situation whereby vehicles are forced to reverse this 60m distance and onto Oxford Drive or exacerbated further by meeting another vehicle on this narrow track.
13. This large distance would also require prospective occupiers of the proposed dwelling to drag their bins out to the roadside where the storage area is indicated on the site plan. This would be far more than the 25m distance recommended by the SPD and on a surface of varying quality as it progresses. While I acknowledge that 'man-carry' distances may not necessarily relate to highway safety, the Framework requires that accesses are suitable. For the reasons set out above the access is neither safe nor suitable for the proposed development.

Other matter

14. The appellants claims that the Council cannot currently demonstrate a 5-year housing land supply, which therefore triggers paragraph 11(d) of the National Planning Policy Framework (the Framework). I have no evidence of this before me, other than reference to an appeal decision. However, even in this event, the Framework makes clear permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. While there would be some benefit with an increase in the housing stock of one dwelling and ancillary benefits such as jobs and local trade during construction, the significant weight I attach to the adverse impacts on highway safety would significantly and demonstrably outweigh these benefits.

Conclusion

15. To conclude on this main issue, for the reasons set out above, the proposal is contrary to the aims of the SPD and the Framework, which aims to achieve safe and suitable access for all users and allowing for the efficient delivery of goods and access by service and emergency vehicles. The application has failed to demonstrate that either can be achieved on site based on the evidence before me. Consequently, the proposal would be contrary to saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP), and T2 of the CS, which seek, among other aims, to ensure development does not create or materially add to problems of safety, environment or efficiency on the highway network.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR