

Appeal Decision

Site visit made on 26 November 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/P1045/D/19/3236303

150 Cavendish Road, Matlock DE4 3HE

- 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 Jack Kernaghan against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00507/FUL, dated 30 April 2019, was refused by notice dated 18 July 2019.
 - The development proposed is 'to drop kerb to create driveway.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. Cavendish Road is a long, narrow residential street with dwellings lining both sides of the street, except toward the western end where dwellings, including the appeal site, stand only on one side, with a playground and open fields on the other. On-street parking is prevalent along the length of the street, which effectively reduces the road to a single lane and requires oncoming traffic to pull in between parked cars. The appeal site is located on the inside of the curve in the road as it turns towards Wolds Rise.
4. The Local Highway Authority (LHA) commented that a new vehicular access at this location, based on the 30mph speed limit, should achieve emerging visibility sightlines of 43 metres in both directions from a 2.4 metre setback, this being the approximate position of a driver without the vehicle overhanging the highway. No measured sightlines have been provided by the appellant, but the LHA estimate visibility of no more than 8 metres in either direction.
5. On site, I saw that visibility was heavily restricted by the presence of shrubbery on both sides. Much of the shrubbery on the right (looking at the site from the road) would be removed to facilitate the access itself, with plans showing only a narrow planting strip retained to that side. However, the proposal also includes a new wall to the front of 750mm in height, which would in itself cause an obstruction to sightlines in this direction. Moreover, to the other side, shrubbery is located on a neighbouring property over which the appellant would have no control.

6. The appellant points to the low speeds of vehicles along Cavendish Road. I saw that this was the case due to the single lane sections along much of its length. The LHA acknowledge this and point out that at 20mph, recommended sightlines would be 25 metres, though its acceptance of this would depend of detailed evidence of actual speeds on the road, which have not been provided. Whilst visibility distance requirements should not be set aside lightly, it is possible that in lightly trafficked areas where slower speeds prevail, adherence to the precise standard might not be necessary.
7. However, though I acknowledge that lower speeds prevail, and the road was lightly trafficked at the time of my visit, the visibility distances would be extremely poor even judged against a 20mph standard and there would be very little advance warning for persons walking or driving on the highway of the impending manoeuvre of a vehicle emerging from the driveway. Given the road is a bus route and there is a playground opposite, with the footway only on the adjacent side to the appeal site, there is a likelihood of pedestrians, including small children, being present in and around the site. The egress of vehicles would lead to danger to road users as there would not be clear lines of sight in either direction to other vehicles or pedestrians using the highway.
8. I observed other accesses along Cavendish Road. A number of these were also restricted by walls, foliage and parked cars and did not appear to provide safer access than the appeal scheme. However, the presence of other restricted accesses does not justify a further access that would have restricted visibility and would increase the risk to vehicles or pedestrians using the highway.
9. The appellant argues that the proposal would result in one fewer a car being parked on-street; however, this would have a negligible effect on parking levels overall on the street, and would not offset the risks associated with the proposed access. The appellant also points to Cavendish Road forming the route to proposed housing development nearby. Though I do not have details of such proposals, were traffic to increase on the road, this would only add to my concerns in respect of highway safety.
10. For these reasons, I conclude that the proposal would have an unacceptable risk to highway safety and would conflict with Policy S3 of the Derbyshire Dales Local Plan (December 2017) which supports development where the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development.

Other Matters

11. The appellant points to concerns over tool theft from his van and the extra security parking the van off-street would provide, whilst the driveway would make the dwelling wheelchair accessible. I acknowledge there would be advantages in both respects; however, other measures exist to address security and wheelchair access could be provided without creating a driveway. As such, these matters attract limited weight in favour of the proposal.
12. The Council did not raise objection in terms of the effect of a driveway on the character and appearance of the area, though this would be a neutral factor overall. I also note concerns raised by a neighbour in respect of a loss of outlook were a large van to be parked on the driveway, and informal undertakings from the appellant not to do so; however, as I am dismissing the appeal for other reasons, it is not necessary to address this further.

13. Finally, the appellant points to conflicting advice being given by the Council before making the application; however, I have no substantive evidence of this and have considered the proposal on its planning merits.

Conclusion

14. The proposal would result in conflict with the development plan which is not outweighed by other material considerations identified. Therefore, I dismiss the appeal.

K. Savage

INSPECTOR