



Appeal Decision

Site visit made on 19 November 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/W4325/W/19/3236420
186 Heath Road, Bebington, CH63 2HF

- 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 Mark Smith against the decision of Wirral Metropolitan Borough Council.
 - The application Ref OUT/19/00143, dated 28 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is erection of a dormer bungalow at land to the rear of (North of) 186 Heath Rd, Bebington.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline. In this regard, the means of access, landscaping, layout and scale fall to be considered at this stage, whereas appearance is reserved for future consideration. A drawing showing an indicative appearance of the building was submitted with the application, and I have had regard to this in determining the appeal.

Main Issue

3. The main issue is whether the development would have an unacceptable impact on highway safety.

Reasons

4. The Council is unable to demonstrate a deliverable 5 year supply of housing sites as required by the National Planning Policy Framework ('the Framework'). In these circumstances Paragraph 11 of the Framework states that 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. I return to this matter in my Overall Balance and Conclusion, below.

Highway safety

5. The appeal site consists of a detached building that contains a ground floor shop and a first floor apartment, with a large garden area to the rear. Wirral Grammar School is located on the opposite side of Heath Road, and the shop is popular with school children.

6. An existing access runs along the side of the current building and would be used to access the proposed dwelling. This access emerges onto a forecourt in front of the shop, which children congregate on before and after school. It is also next to a door that is used as the main access to the first floor apartment. At present, the existing gable wall severely restricts visibility of the forecourt area to vehicles emerging from the access. This is a potentially dangerous arrangement as pedestrians could cross the pavement in front of oncoming motorists without any prior warning. This situation is further complicated by the close proximity of a pelican crossing, which connects the school to the shop, and a bus stop to the east. The development would intensify the use of this access and would introduce additional traffic along it. Whilst the number of additional trips associated with the development would be modest, in my view, this intensification would unacceptably increase the risk of collisions.
7. Accident data has been provided by the appellant for the period 1999-2016. This shows that the only recorded traffic accident in the area was unrelated to the appeal site. However, it is unclear how intensively the access was used during this time. Moreover, its entrance consisted of tall wooden gates until relatively recently, and the opening of these to allow vehicles to exit the site would have provided some warning to nearby pedestrians that the access was about to be used. That is no longer the case.
8. It is suggested that a short length of guard railing could be installed to ensure that pedestrians do not cross the driveway directly in front of oncoming vehicles. However, I share the Council's concern that this would represent an unacceptable hazard to visually impaired pedestrians.
9. Separately, the Council suggest that a low wall across part of the access could provide a better method of achieving an appropriate level of intervisibility. However, there is no evidence before me to demonstrate that this could be achieved within the site. In the absence of this information, it is unclear whether this would be an appropriate solution in this case.
10. It is also asserted that the proposal would improve upon the existing situation by providing a turning area within the site to allow vehicles to enter and exit in a forward gear. At present, the ability to turn within the site is restricted, although it is possible for a smaller vehicle to use the concrete slab area to the north in order to do so. Whilst the proposal may provide some benefit in this regard, in my view, it would not outweigh the additional risk that would arise from the development.
11. The visitor entrance to Wirral Grammar School is also positioned nearby and close to the pedestrian crossing. However, it does not have comparably restricted visibility and so is dissimilar to the appeal site in this regard.
12. For the above reasons, I conclude that the development would have an unacceptable impact on highway safety. It would therefore be contrary to Policy HS4 of the Wirral Unitary Development Plan (2000) which seeks to ensure, amongst other things, that new housing development is served by an adequate vehicular access.

Other Matter

13. Due to the position and orientation of the development, it would not significantly overlook any neighbouring dwelling. Its precise appearance, and the position of its windows, would be determined at reserved matters stage.

Overall Balance and Conclusion

14. As set out above, the development would have an unacceptable impact on highway safety and would be contrary to the development plan in this regard. Set against this, the proposal would make a small contribution towards the deficient supply of housing land, in a relatively accessible location within the urban area. It would also result in some economic benefits during the construction phase and through local expenditure by future residents. In view of the current shortfall in housing supply, I give these considerations moderate weight.
15. On balance however, and taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR