
Appeal Decision

Site visit made on 7 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/H1033/D/19/3237250
43 New Mills Road, Birch Vale SK22 1BT

- 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 Andrew Mansfield against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0136, dated 26 March 2019, was refused by notice dated 26 June 2019.
 - The development proposed is the replacement of a stone flagged area with a tarmac surface. We also wish to obtain permission for vehicular access onto this area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have removed reference to the reasons for the application from the description in the banner heading as these are not in themselves development. At my site visit I was able to see that the area to the front of the property has been tarmacked and that a vehicle was parked on the area, although no dropped kerb has been provided.

Main Issue

3. The main issue is the effect of the development on highway safety.

Reasons

4. The appeal site is a semi-detached house located adjacent to New Mills Road. It is the end property of a group of six similarly designed semi-detached houses. The two properties on the west side nearest to the appeal site have dropped kerbs with low or no front boundaries. Whereas the three semi-detached houses further to the west have no vehicular accesses.
5. To the east of the appeal site is a detached house, set considerably back and obscured from the road, with a boundary wall and planting close to the highway.
6. New Mills Road is a Main Distributor route. The Highways Authority describes the road as a busy classified road subject to a 30mph speed limit. At the time of my site visit, there was a constant flow of traffic along the road including buses and lorries. While my visit only provided a snapshot of the highway conditions, it is a busy road and the level of traffic is likely to increase at peak hours at the start and end of the working day.

7. At my site visit I saw that visibility of approaching traffic from the east would be limited from the proposed vehicular access point when at the required 2.4 metres back from the highway.
8. In addition, due to the limited space available to the front of the appeal site, entrance to and exit from the site via a dropped kerb, would require that either cars enter the site in forward gear and reverse out or manoeuvre within the road to reverse into the site. Therefore, the provision of a dropped kerb would add to the number of vehicles manoeuvring onto and off New Mills Road and this, in addition to the limited visibility at the entrance and given the road conditions, would have an unacceptable impact on highway safety.
9. I appreciate that the two nearest properties to the west have similar dropped kerb arrangements, however, I saw on site that these properties have comparatively better visibility because of the wider margin between the road and property boundaries and because of the increased distance to the boundary treatment to the east. To the east the nearest property has a turning area within the site, removing any need for manoeuvring on the highway. In any case the existence of these accesses does not justify harm to highway safety.
10. I note the appellant's evidence setting out the drawbacks of parking on the highway. I also note the apparent reduction in incidents over the last 2 years outside the site since the appellant's vehicle has been parked on the site frontage. However, the provision of the parking arrangements within the site would not remove on road parking for visitors or if the household has a second car. Therefore, the suggested benefits to the provision of off-road parking would be limited.
11. Whilst the highways authority advises that a speed survey to measure actual pass-by speeds could be undertaken by the appellant, I have no such evidence before me.
12. Overall, I conclude that the proposed development would result in harm to highway safety. Consequently, it would not comply with Policy CF6 of the High Peak Local Plan adopted April 2016 which seeks to ensure that development is safely accessed and among other things, will not unduly interrupt the safe and free flow of traffic on primary roads or materially affect existing conditions to an unacceptable extent. The development would also conflict with the National Planning Policy Framework which does not support development which has an unacceptable impact on highway safety.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR