The Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2020

Appeal Ref: APP/Z4718/W/19/3241455
65 Colders Lane, Meltham, Holmfirth HD9 5JL

- 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 Colders Lane Developments Ltd against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2019/62/91568/W, dated 10 May 2019, was refused by notice dated 21 August 2019.
- The development proposed is demolition of existing bungalow and erection of 3no. detached dwellings with integral garages.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Colders Lane is an unadopted highway from its junction with Colders Drive. It carries the recorded definitive footpath MEL/75/10 which connects the end of Colders Lane to Leygards Lane further to the west. Colders Lane also provides connections to two other definitive footpaths namely MEL76/10 and 45/20, both of which provide access onto Wessenden Head Road.

4. The appeal property is an unoccupied detached bungalow located at the end of the unadopted section of Colders Lane. The bungalow is sited with its main elevation facing towards the lane. It has two vehicular accesses at either side of the site frontage. Footpath MEL/45/20 runs directly along the western boundary of the appeal site. The westerly footpath connection to Leygards Lane is also located just beyond the appeal site to the west.

5. Planning permission has been granted for the demolition of the existing bungalow and the erection of two dwellings. The approved scheme is for two five bedroomed properties facing towards, and with separate accesses from, Colders Lane. The scheme provides a turning area so that emergency vehicles and refuse vehicles can return along the lane in forward gear.

6. The appeal proposal comprises three 3-bedroomed detached houses orientated with gable elevations towards Colders Lane and served via a single

access point. According to the appeal drawings, the scheme retains the turning head as detailed on the previous approval.

7. I saw at my site visit that Colders Lane is single track for the majority of its length. There are no separate footpaths and therefore those using the definitive public footpaths share the road with vehicles. In this regard I note the appellant's survey which indicates that the public footpaths are well used. I also saw that the road is poorly surfaced, is on an incline and bends on the approach to the site, before the terraced properties, restricting forward visibility.

8. The appellant indicates that the level of traffic associated with three 3-bedroomed properties would result in very similar overall traffic generation when compared with the approved scheme for 2 five bedroomed properties.

9. The three new houses are substantial properties. Indeed, the layout for each unit has a large master suite and refers to bedroom 4 even though three bedrooms are indicated. I consider it likely that the level of traffic associated with each proposed house would be similar to each of those in the approved scheme. Consequently, the proposed development would generate traffic to an additional dwelling.

10. The development provides a turning head so that vehicles leaving the site can do so in forward gear. Nevertheless, I consider that it would be highly likely that the restricted width of the road beyond the turning area would result in vehicles needing to reverse along the single section of Colders Lane to allow for the safe passage for vehicles travelling in the opposite direction. Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians.

11. I appreciate that the site is sustainably located and that there is opportunity to access a good bus service. I also accept that the introduction of a turning area as part of the development would allow refuse vehicles to return along Colders Lane in forward gear and would be a benefit for existing users of the lane. However, these benefits would be equally available to the occupiers of the approved scheme.

12. I further note that the proposed development includes a segregated footpath to the front of the site, however, this does not resolve the conflict between pedestrians and vehicles in relation to the manoeuvring of vehicles along the single width sections of Colders Lane.

13. Overall, I consider that it is likely that there would be noticeably more traffic to three properties than for the approved scheme for two. With the limitations of the road I have described I consider that the introduction of additional traffic movements along Colders Lane would unacceptably increase the risk to highway safety.

14. Consequently, I consider that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policy LP21 of the Kirklees Local Plan Strategy and Policies adopted 27 February 2019 which seeks to ensure that development can be accessed effectively and safely by

all users. In this respect the development would also conflict with the National Planning Policy Framework.

Conclusion

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

Diane Cragg

INSPECTOR