
Appeal Decision

Site visit made on 2 June 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/M1005/D/20/3246043

91 The Delves, Swanwick, Alfreton DE55 1AR

- 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 Ms J Salfeld against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2019/0946, dated 24 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is vehicular access and hard-standing.
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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.

Main Issue

3. The main issue is the effect of the proposed access and hardstanding on highway and pedestrian safety with particular reference to
 - manoeuvring to and from the classified road in close proximity to the junction with Broadway; and
 - the size of the parking space.

Reasons for the Recommendation

4. The Delves (B6016) is a classified road that serves through traffic and is one of the main roads into and out of the town. In the vicinity of the site it has a speed limit of 40 miles per hour and has street lighting. The road in front of the appeal site is fairly straight, rising slightly to the east. In front of the appeal site the central part of the road is hatched with white stripes indicating the presence of a refuge area for vehicles turning right off The Delves into Broadway.

5. The site lies within a suburban area with residential properties fronting The Delves for the majority of its length. Many of the dwellings have off street parking, some with turning facilities within their curtilage.
6. On my site visit, which took place during the late morning, I saw that there was a light flow of traffic and limited pedestrian movement. I acknowledge that this only represents a snapshot in time and traffic conditions are likely to be different at other times of the day. I was also conscious that my site visit took place during COVID-19 lockdown and flows would be likely to increase in the future. Survey information submitted by the appellant suggests that, under normal circumstances, traffic and pedestrian flows would be higher at peak times. I have no information before me to indicate when the survey was undertaken, or the conditions that prevailed on the day, consequently I am unable to ascertain whether it portrayed a typical situation. At the time of my visit traffic was moving freely and appeared to be generally travelling at speeds close to the speed limit.
7. Paragraph 109 of the National Planning Policy Framework (the Framework) makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
8. The closest part of the proposed access would be about 15m from the junction of The Delves and Broadway. There is good visibility from Broadway onto The Delves in both directions. Furthermore, the generous width of the pavement and the straight alignment of The Delves results in good visibility in both directions for vehicles emerging from the proposed access. It is unlikely that vehicles emerging from Broadway would be travelling at a speed approaching the limit for the road and consequently if a vehicle was to emerge from the proposed access, they would have time to take action avoiding a collision.
9. Given the size of the appeal site, and the layout of the parking space, a vehicle would have to, either reverse into the parking space and leave in a forward gear or enter the parking space in a forward gear and egress the site in reverse. It is likely that a vehicle turning left out of the access would have to cross the hatched area, even if proceeding in a forward gear. A vehicle turning right out of the access would have to cross the hatched area to get into the main flow of traffic. These manoeuvres would be likely to conflict with traffic travelling along The Delves, including those who intend making a right turn utilising the right turn lane into Broadway.
10. It is acknowledged that the access would be likely to generate a limited amount of use. Drivers using The Delves would be likely to be aware of the possibility of vehicles emerging from private drives onto the highway and would drive in an appropriate manner. On the day of my visit I noted there were significant gaps within the traffic flow that would enable drivers to emerge from the access onto the highway without unacceptable impacts on highway safety. However, it is likely that vehicular and pedestrian activity would be greater at peak times, particularly when the lockdown from the pandemic is eased. As a result, the gaps in the traffic would be reduced leading to more limited opportunity to egress the site, with a consequential increase in risk as drivers seek to join the traffic flow. Whilst it is acknowledged that the residual cumulative impact of one additional access would not be severe it is considered

that there would be an unacceptable impact on highway safety, due to the sites location near to the junction of Broadway and the use of the hatched area of the highway.

11. There are currently no parking restrictions on The Delves. On the day of the site visit on-street parking was limited to a small number of vehicles, including delivery vans. In the absence of off-street parking the occupier of the host property could park on the highway in a location close to the junction with Broadway. Any vehicle parked in front of the host property would impede visibility from Broadway junction and would require eastbound vehicles to cross the hatched area. Consequently, the provision of off-street parking for the host property would provide some benefit to road users.
12. The proposal would retain part of the low brick wall that sits across the front of the appeal site, with a short length of new wall angled back on both sides of the access. The appellant has indicated that existing trees and shrubs would be removed from the front across the frontage of No 93 The Delves, a property she owns. On my site visit I noted that the trees and shrubs had already been removed from the frontage of No 93. Given the height of the walls fronting the host property and the absence of vegetation at the front of No 93 the drivers view of pedestrians walking along the footpath would not be impeded.
13. The appellant indicates that proposed hardstanding would measure slightly less than 4.8 metres in length at its shortest point and would be about 3 metres in width. Manual for Streets indicates that parking spaces should be a minimum of 4.8 metres long with a width of 2.4 metres. A car parking space of this size would allow for the parking of an average size vehicle. Notwithstanding the indication from the appellant that the tenant's vehicle measures only 4.2 metres in length there is no guarantee that the tenant will retain the current vehicle, or future tenants will have similar sized vehicles. The development will remain long after the current tenant has left. In the absence of an adequately sized parking space it is likely that the vehicle would overhang the public footpath impeding the movement of pedestrians. Whilst I acknowledge that the width of the footpath is generous in front of the host property pedestrians should not expect their passage to be impeded by parked vehicles.
14. In light of the above I conclude that the proposed access would, by virtue of its close proximity to the junction of The Delves and Broadway combined with manoeuvring within the hatched area of the highway, result in an unacceptable increase in risk to the safety of road users. These risks would not be outweighed by the limited benefit of providing additional off-street parking. Furthermore, I have found that the parking space would not be of sufficient size to meet the requirements of an average sized car and would be likely to result in vehicles overhanging the public highway to the detriment of users of the pavement. Consequently, the development would be contrary to saved Policy TP1 of the Amber Valley Borough Local Plan (adopted 2006) (LP).

Other matters

15. Saved Policy H12 of the LP refers to proposals for housing development. The appeal proposal does not relate to housing development and consequently is not relevant to the current appeal.

16. Whilst it is acknowledged that the availability of off-street parking would be attractive to prospective tenants and would consequently help bring the property into full use, this benefit would not outweigh the harm that I have found above.

Conclusion and Recommendation

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

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

Beverley Doward

INSPECTOR