



Appeal Decision

Site visit made on 22 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/G4620/D/20/3254791

15 Reddal Hill Road, Cradley Heath B64 5JE

- 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 M Banaras against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/64094, dated 9 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is a drop kerb access to new driveway.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice does not refer to any local development plan policies and I am not directed to any in the appeal submissions. I have therefore had regard to the National Planning Policy Framework which is an established material consideration in planning decisions.

Main Issue

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

Reasons

4. The site fronts Reddal Hill Road (A4100), which, according to the Council, is a high volume 30mph traffic route. In the vicinity of the site the carriageway is subject to waiting, loading and parking restrictions and there are no domestic access points for vehicles on to Reddal Hill Road on this part of the road.
5. The site's frontage lies slightly offset from the junction of Reddal Hill Road with Brook Lane. The roadway in the vicinity consists of two lanes separated by a chevroned area forming part of a combined right turn lane for vehicles turning into Brook Lane and Haden Road. A short distance to the west of the frontage is a pedestrian refuge facilitating pedestrian crossing continuous with a path lying adjacent to the side of the dwelling.
6. The parking arrangement shown on the submitted plans would be sufficient to accommodate two vehicles. However, the arrangement and restricted width of the site would limit the capability to turn vehicles within it to enable access and egress in a forward gear.
7. Any requirement to manoeuvre into or out of the site using a reverse gear would result in vehicles travelling at slow speed or stopping within the highway

- with potential to impede the free flow of traffic. Although visibility in both main directions of travel is good, manoeuvring would be made hazardous due to the proximity of the right turn lane, the pedestrian refuge and vehicles emerging from the junction with Brook Lane.
8. Reversing out of the site would generally require movement into the chevroned area and in close proximity to the crossing point. This would have the potential to impede visibility for both approaching traffic and pedestrians using the crossing. Reversing into the site without crossing the chevroned area would result in movement or positioning contrary to the direction of approaching vehicular traffic. In either scenario, the proposal would add a further point of conflict for those using the Brook Lane junction and on the main road itself. This would significantly elevate the potential for both vehicular and pedestrian conflicts.
 9. For those reasons, I find that the proposal would have significant potential to prejudice highway safety in the vicinity of the site. This would conflict with the National Planning Policy Framework which requires new development to create places that are safe for existing and future users.
 10. In support of the appeal, the appellant advises that the development would provide improvements to access for an elderly relative. This may be more suitable for their specific access requirements than the existing arrangement where parking is provided to the rear of the property from Mace Street.
 11. Age is a 'relevant protected characteristic' and I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
 12. In respect of the above, whilst I acknowledge the benefits that would result to the appellant and elderly relatives, I note that this benefit is not dependent on the proposed development and could be achieved through the existing arrangement whereby vehicular parking and pedestrian access can be achieved at the rear of the site and via the rear door of the property respectively. Consequently, although a refusal of planning permission may deprive the family of alternative parking provision it would not prevent parking within the site or prejudice the ability to access the dwelling from the rear. Accordingly, those personal circumstances are not a strong justification for setting aside national policies with the legitimate aim of protecting highway safety in the public interest. I therefore attach them limited weight having regard to the particular circumstances of the case.

Conclusion

13. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR