



Appeal Decision

Site visit made on 4 August 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/P1045/D/20/3246548

The Cottage, Alfreton Road, The Cliff, Matlock DE4 5EZ

- 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 Tim Appleyard against the decision of Derbyshire Dales District Council.
 - The application Ref 19/01321/FUL, dated 15 November 2019, was refused by notice dated 17 January 2020.
 - The development proposed is described as the 'retention and widening of an existing driveway'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The driveway for which planning permission is sought has been constructed, and I was able to view it at the time of my site visit. I have considered the appeal on the basis that the development has already been carried out.

Main Issues

3. The main issues are the effect of the development on highway safety, and on the character and appearance of the area.

Reasons

Highway safety

4. The appeal site is a residential plot containing a cottage. It is situated on the south side of the A615 road between the town of Matlock and the village of Tansley, on the inside of a broad curve in the as it runs uphill from west to east. The site slopes from south to north so that the cottage and its garden are some way above the level of the road. The appellant has constructed, and subsequently enlarged, a new parking and turning area, connected by a gravel driveway to Alfreton Road outside the property.
5. Alfreton Road is a busy road with a 40mph speed limit, although the Council's evidence indicates that the majority of vehicles pass the site at around 45mph. As a result, the Highway Authority has stated that visibility splays commensurate with the actual traffic speeds of 2.4m x 1.25m in both directions are required. However, based on the submitted plans and site visits the Highway Authority has calculated the achievable visibility splays as falling well

short of the requirements, at around 2.4m x 12m to the west and 2.4m x 35m to the east.

6. Visibility along Alfreton Road is difficult in both directions, and constrained by the appeal site's position on the inside of a long curve. The profile of the road east of the appeal site, where the hill becomes less steep, also makes it difficult to clearly see approaching westbound traffic. My site visit observations suggest that the actual distance visible from a typical driving position at the entrance to the driveway may be slightly greater than the Highway Authority calculated. However, it still appears to fall some way short of the required distance, and the retention of such visibility would be dependent on the road verges being kept clear of vegetation, a matter which is outside the control of the appellant. Because of the speed and volume of traffic passing by, leaving the site in particular would present a risk to users of the driveway and Alfreton Road.
7. The appellant has submitted plans intended to show that the desired visibility is achieved, with 125m visibility lines in both directions from the entrance to the driveway. However, both approaching cars shown on the plan are shown at the very edges of their lanes. In the case of the eastbound car, it appears that it would actually be brushing the kerb of the road, while if the westbound car were positioned in a more realistic position towards the centre of the lane it would not fall within the splay at all. From what I saw, the plan is not reflective of the 'real life' situation at the appeal site. Furthermore, it does not include information about the profile of the road and any effect it has on visibility. The submitted evidence does not, in my view satisfactorily demonstrate that safe visibility is or could be achieved. Based on the information before me and my own observations, I consider that the access offers poor visibility.
8. The appellant has indicated that the purpose of the development is to facilitate off-street parking, but at the same time argues that there is no real need for more than one parking space. Given the location of the appeal site it seems likely to me that, in general, visitors would be most likely to arrive by car, and the parking area which has been created is intended to accommodate two vehicles, although as the spaces are approximately 4m in length, have a combined width of around 2.4m and are tightly bounded by walls and fences they are small. The turning area is similarly tight. The parking spaces could only accommodate two vehicles with difficulty, unless both happened to be very compact cars. At the time of my site visit a medium-sized car belonging to the appellant was occupying the parking area, and in my view the remaining space would have been too small for a second vehicle to use. A second vehicle would have to park in the turning and manoeuvring space, and driven out of the site onto the busy A615 in reverse gear. This would present a risk both to its occupants and to other road users.
9. The appellant acknowledges that the drive exceeds the maximum recommended gradient of 1:10. The need for vehicles turning sharply to enter or leave the site to also negotiate the steeply sloping driveway would be likely to add to the risk of vehicular conflict or accidents.
10. I acknowledge that the alternative to the scheme is the continued use of on-street parking. Although this is a less than optimal solution, especially on an A road, it does avoid the need for vehicles to emerge, at worse in reverse, into relatively fast-moving traffic in situations where visibility is limited. I have not been made aware of any specific safety or congestion concerns arising from on-

street parking in the vicinity of the appeal site. The appellant has referred to other driveways nearby which are narrower than that of The Cottage, steeper, where drivers need to reverse out on to the main road, or some combination of the three. I do not know the circumstances in which these other arrangements came to be in place, although some appear to be long-established. However, I saw some of these examples at the time of my site visit and agree with the appellant that, on the face of it, there are other properties in the locality where, on the face of things, the access arrangements appear to be substandard. However, these do not justify permitting a substandard or unsafe access in this case.

11. I conclude that, because of its poor visibility, limited turning space and steep gradient, the driveway has an adverse effect on highway safety. The proposal therefore conflicts with Policies S4, PD1 and HC19 of the 2017 Derbyshire Dales Local Plan (DDLp), which together require developments to be well-designed with safe access and parking arrangements, and not to have a detrimental effect on the safe and efficient operation of the highway network.

Character and appearance

12. The stretch of Alfreton Road between Matlock and Tansley is predominantly rural in character, with small and intermittent semi-rural clusters of dwellings. Boundaries to residential properties are generally traditional stone walls, often topped with hedges, fences, or both, and many do not have driveway openings.
13. As the development has already taken place, evidence about its previous state is necessarily limited. However, the Council has referred to historic Google Streetview imagery which shows the original wall in place. The development has resulted in a large opening in the stone boundary wall. The loss of the previous stretch of wall and hedge has made the appeal site more exposed to the road than it was previously. The loose gravel surface of the driveway spills out of the appeal site across the verge and towards the road, which has given the site an unordered appearance. The appellant's view is that as the work has already been carried out there is therefore no harm to the character and appearance of the street scene. However, in my view the driveway has emphasised the presence of the housing and its car parking area at the expense of the semi-rural feel of the area.
14. I therefore conclude that the development has harmed the character and appearance of the area. Given the small size of the appeal site, the extent of the opening which has been created, and the presence of some other driveways, I consider that this harm is limited. Nonetheless, the development conflicts with Policies S4 and PD1 of the DDLp, which together seek to ensure that development is well-designed and contributes positively to the character of its area.

Conclusion

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

M Cryan

Inspector