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## Appeal Decision

Site visit made on 6 October 2020

**by Robert Hitchcock BSc DipCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2020**

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**Appeal Ref: APP/G4240/W/20/3247222**

**1 Moorcroft Street, Droylsden M43 7YB**

- 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 Lee Trelfa against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 19/00714/FUL, dated 26 June 2019, was refused by notice dated 30 October 2019.
  - The development proposed is described as a detached garage at the back left hand side of our property. Our property is the end terraced with land on the side.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Section 5 of the planning application form references application for a 'dropped curb and relay new driveway leading to the garage'. These acts of development lie beyond the description of the proposed development. For the avoidance of doubt, aside from reference to them in respect to the proposed garage, they fall outside the scope of the development under consideration within this appeal.

### Main Issue

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

### Reasons

4. The site is located close to the junction of Moorcroft Street with Ashton Road. Moorcroft Street is a narrow cul-de-sac serving about 8 residential properties, a pub car park, a training centre and access to the rear of some commercial premises which front Ashton Road (A662). On-street parking is prohibited along its length. Ashton Road is a busy radial route linking the outer ring road to the city centre.
5. The main parties agree that the proposed garage building would have no adverse impacts other than those potentially arising from the use of a vehicular access to it. The presence of a garage building would facilitate parking that, in the absence of ability to turn vehicles within the site, necessitate vehicular manoeuvring within the carriageway of Moorcroft Street on either entry to or exit from the site.

6. Given the close proximity to the junction and narrow width of the carriageway such manoeuvring has significant potential to prevent vehicle passing and cause vehicles to wait in the respective carriageways close to the junction. Furthermore, those manoeuvres would be in close proximity to users of the adjacent footways and crossing at the mouth of the junction.
7. Although vehicles waiting in Moorcroft Street would be unlikely to cause a significant risk, this would not be the case for the main road. Ashton Road is divided by Droylsden Metrolink Station immediately opposite the junction such that opposing vehicular traffic is separated into two lanes in each direction and no right turn into Moorcroft Street is possible from the A662. However, the junction lies on the approach to the larger signalled-controlled junction with Market Street where traffic splits into right turn or ahead/left lanes.
8. Although forward visibility along Ashton Road is generally good, vehicles waiting in the carriageway would impede the free flow of traffic along it requiring vehicles to stop or move into the adjacent lane. This would be particularly hazardous in a location where lane changing on approach to the Market Street junction is also taking place. Those risks could be heightened by drivers attention to the proximity of the pedestrian crossing ahead of the Moorcroft Street junction, the anticipation of the traffic lights at Market Street and potential distractions from the tramway. Any increase in the incidents of vehicles waiting within the carriageway of Ashton Road would therefore have an attendant increase in the risk of collisions.
9. In addition, the close proximity of the Metrolink station, bus stop, a primary school and a local shopping and commercial centre provide a focus for relatively high use of the nearby footways and crossing at the mouth of Moorcroft Street. The requirement to manoeuvre close to the crossing point at the mouth of the road would be hazardous to those road users. Although inter-visibility between footway users and the driver could be improved by reduction or removal of the boundary fencing on the forward part of the site, the requirement to observe three directions and monitor vehicular traffic would give rise to an elevated potential for accidents in comparison to driveways positioned away from road junctions.
10. In support of the appeal the appellant has provided examples of other access points in close proximity to junctions. However, from the limited evidence available, they do not appear to share the same circumstances as the case before me, a case I have considered on its own merits. A driveway at 15 Moorcroft Street is at significantly greater distance from the junction and the adjacent access to a parking court would not present the same risks associated with Ashton Road such that its effects on highway safety would be significantly lower.
11. For the above reasons, I find that the proposed development would result in an unacceptable impact on highway safety in the vicinity of the site. It would therefore conflict with Policy T1 of the Tameside Unitary Development Plan Written Statement (Nov.2004) as it seeks to improve safety for all road users.

#### Other Matters

12. At the time of my site inspection the enclosed site had a double-gated vehicular entrance and a hardstanding at the side of the dwelling. This was being used for car parking. However, the existing vehicular access was not serviced by a

formal vehicle crossing. The Council has provided evidence of the highway authority's previous refusal to provide a dropped kerb at the site. That decision is subject to control under different legislation and is a matter between the appellant and the relevant authority. As such, those circumstances are a neutral consideration in my determination of this appeal.

13. I acknowledge that the garage would provide a benefit to the family and neighbours in terms of improving privacy to parts of the property, particularly in respect of views afforded from buses stopping at the adjacent bus stop. However, this benefit would not outweigh the harm I have identified in relation to highway safety.

### **Conclusion**

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

*R Hitchcock*

INSPECTOR