



Appeal Decision

Site visit made on 28 October 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2020

Appeal Ref: APP/A4710/W/19/3241753

17 Prospect Avenue, Halifax HX2 7HEW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr and Mrs A Holt against the decision of Calderdale Council.
 - The application Ref 19/00905/FUL, dated 30 July 2019, was refused by notice dated 25 September 2019.
 - The development proposed is a detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. An appeal against refusal of planning permission for a detached dwelling on the same site was dismissed in July 2019.¹

Main Issues

3. The main issue is the effect of the proposed development upon the ease of pedestrian movement along the adjacent pavement and the safety of vehicle egress onto Prospect Avenue.

Reasons

4. The appeal site is a plot of land located between 2 Atalanta Terrace and 'Brisamar' 17 Prospect Avenue on the south side of a quiet residential cul-de-sac running along the side of a hill in Halifax. Due to the sloping topography the properties on the southern side of the road sit considerably below the adjacent pedestrian pavement and even further below the road surface of Prospect Avenue and Atalanta Terrace to which the former is seamlessly connected.
5. The development proposal comprises the erection of a split-level detached dwelling that would be 1-storey high at the front and 2-storeys at the rear. It would include a front driveway which would be laid at grade to join with Prospect Avenue. Currently the pavement sits at about 800 mm below the level of the adjacent road. It is separated by a vertical retaining wall with access to the roadway from the pavement provided at intervals of about 20 metres by concrete steps or ramps. The neighbouring dwellings along this southern section of Prospect Avenue and Atalanta Terrace do not have driveways with

¹ See ref. APP/A4710/W/19/3222344

the occupants having to park their vehicles on the street. There do not appear to be any parking restrictions within this area.

6. To secure at grade access to Prospect Avenue the front part of the appeal site would be filled and raised to street level. The pedestrian pavement would be ramped to cross the new access driveway. To the west of the proposed access driveway the ramp would be around 26 metres in length at a grade of 1:15 and to the east it would be around 16 metres in length at a grade of 1:10. Both sections would include a modest sized level landing area about half way along.
7. Accordingly, the individual ramp sections would extend to around 12 metres in length on the western side and around 7 metres in length on the eastern side. The introduction of the new access driveway would allow wheelchair users and others with restricted mobility to gain access from it to the pedestrian pavement which might provide some new benefit. However, that would have to be offset against the increased inconvenience for wheelchair users and elderly people of having to negotiate what would still be quite a steep and lengthy ramp in order to get from one end of the cul-de-sac to the other. To avoid having to use the ramp it seems very possible that some would choose to use the road which would present obvious and unacceptable dangers to themselves and to other highway users.
8. To ensure sufficient visibility for safe vehicle egress from the driveway the proposal includes sight visibility splays 2.4 metres back from the highway kerb and 25 metres in either direction to conform to relevant highways standards. During my visit I noted that there were a lot of cars parked along the south side of Prospect Avenue and Atalanta Terrace which would offset the benefit of the visibility splay. However, because of on-street parking cars are likely to be moving very slowly in any event. Consequently, notwithstanding the absence of parking restrictions along this section of the cul-de-sac these visibility splays would be effective in ensuring highway safety.
9. The proposed development would, however, not provide for the safe and convenient movement of pedestrians. It would therefore fail to accord with Policy BE5 of the Replacement Calderdale Unitary Development Plan (As Amended) 2009 which seeks to ensure convenient pedestrian routes. It would also fail to comply with the advice handed down at paragraphs 109 and 110b) of the National Planning Policy Framework that development should not prejudice highway safety or the safety of the disabled or others with reduced mobility.

Other Matters

10. The proposed dwelling would comply with the Building Regulations Part M. It would be built to standards consistent with the need to ensure energy efficiency. Although these are matters that support the proposal, they do not outweigh the fundamental conflict with the Development Plan arising from the finding in regard to the effect that the scheme would have on pedestrian and vehicle user safety.

Conclusion

11. For the reasons set out above the appeal should be dismissed.

William Walton - INSPECTOR