



Appeal Decision

Site Visit made on 2 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/A4710/W/20/3259176

Providence Works, Queens Road, King Cross, Halifax HX1 3NS

- 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 Mohammed Adil Saleem against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/01166/FUL, dated 19 September 2019, was refused by notice dated 17 April 2020.
 - The development proposed is Change of use from former light industrial unit (Class B1) to Car Sales (Sui Generis), MOT Station (Class B2) and single storey side extension. (Retrospective)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been undertaken. I am therefore considering the appeal retrospectively.
3. I have taken the description of development from the Council's Decision Notice as this is more precise.

Main Issues

4. The main issues are the effect of the development on 1) highway safety in relation to the access onto Kingsley Place and 2) the living conditions of occupiers of residential properties with regard to parking.

Reasons

Highway Safety

5. The appeal site is located in between Queens Road and Kingsley Place. The main access to the site is located on Queens Road which is a busy road containing a number of commercial units. The development includes access to the MOT bay from the rear onto Kingsley Place, which is a street made up of residential properties overlooking the rear of the commercial units on Queens Road.
6. On my site visit I observed that Kingsley Place has a high level of on-street parking. When vehicles are parked the road is effectively reduced to a single carriageway. There is no designated turning area. I also observed on my site visit the refuse vehicle needing to reverse along the road with due care, and

vehicles being required to wait at the junction with Parkinson Lane in order to access the street.

7. When vehicles would be parked on the section of the street directly opposite the access, access and egress would be tight, despite the appellant demonstrating in a swept path analysis that it would be achievable. The swept path analysis also appears solely to confirm that access is possible for a car rather than a van or other large vehicle. It also shows a vehicle reversing from the site, whereby due to the fence/panels of the adjacent unit, visibility of any oncoming traffic or cyclists in the roadway is extremely limited. Due to the lack of visibility the risk of collision is high.
8. Regardless of whether access is achievable, I find that the inevitable conflict that would occur between vehicles of residents, their visitors, deliveries, refuse collection and those of the development, in a hugely confined setting, would raise concern. The combination of high levels of on-street parking and lack of any turning area would require vehicles to reverse over significant distances and carry out convoluted manoeuvres in a confined setting, increasing the risk of collision with vehicles and other road users. Such risk would have the potential to be severe where such conflicts and reversing manoeuvres take place in close proximity to the junction with Parkinson Lane.
9. Due to the level of on street parking, the resulting width of roadway and the lack of any designated turning area, I consider that introducing additional vehicle movements and manoeuvres would have an unacceptable impact on highway safety. From my observations on site, I have found that the existing situation to be far from ideal and consider that introducing additional vehicles would exacerbate the existing situation to an unacceptable degree.
10. Therefore, the development, when taken as a whole, is contrary to Policies E1 and BE5 of the Replacement Calderdale Unitary Development Plan (2006) which requires, amongst other things, that development within Primary Employment Areas does not create unacceptable highway problems and that accesses should ensure the safe and free flow of traffic in the interests of highway safety.
11. The development is also contrary to the National Planning Policy Framework (the Framework) (2019) which outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Living Conditions

12. The Council consider that the development sterilises the on-street parking opposite the access, which could give rise to neighbour disputes given the historic residential parking.
13. There is no evidence before me to suggest that the development sterilises the on-street parking situation, or that any implications of which would lead to an unacceptable impact on the living conditions of occupiers of residential properties. There is no controlling mechanism before me or any substantive case made that one would be required, which would prevent parking in this area.
14. I therefore conclude that the development does not have an unacceptable impact on the living conditions of occupiers of residential properties with regard

to parking. It complies with Policy BE1 of the Replacement Calderdale Unitary Development Plan (2006) which requires, amongst other things, that development should not significantly affect the amenity of residents.

Other Matters

15. The appellant considers that this is an historic access. Should the appellant be of the view that the use of the access does not require consent or is lawful, there are separate procedures for establishing this, none of which are before me in this appeal. The access as shown is part of the development before me, and in any event, from the submitted evidence, including images provided by the Council, the access does not appear to be historic.
16. I note the conditions as suggested by the appellant. I find that these would be difficult to enforce and do not overcome the harm I have identified is caused to highway safety.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

A M Nilsson

INSPECTOR