



Appeal Decision

Site visit made on 2 December 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 January 2021

Appeal Ref: APP/B3410/W/20/3258501

Bank Close Cottage, Bank Close, Uttoxeter, ST14 8BP

- 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 Brian Hall against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/00770, dated 17 January 2019, was refused by notice dated 2 June 2020.
 - The development proposed is the erection of 2 detached dwellings and widening of existing highway and formulation of vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is comprised of a parcel of land which forms part of the curtilage of Bank Close Cottage and is indicated to cover an area of 1100m² or approximately 0.2 acres. The existing property is a detached dwelling located on the southern side of Bank Close, and towards its eastern end. The existing curtilage contains several trees and mature planting with the boundary to Bank Close defined by a wall with fencing atop.
4. Bank Close is a narrow lane which it is indicated forms part of the adopted highway and provides vehicular access to 17 properties. It possesses a modest-sized turning head at its eastern end, adjacent to a pedestrian access through to Churchill Close. Parking arrangements for the existing properties vary with generally more spacious off-street parking provision in driveways for properties on the southern side of the lane within the larger curtilages, whereas where parking is provided to the terraced cottages on the northern side of the lane, it was observed to be in lieu of front garden areas.
5. I observed that the existing carriageway of Bank Close is of an inadequate width to allow the passing of oncoming vehicles without placing a reliance on an encroachment of private land or driveways. In this regard, I do not therefore doubt that the widening of the section of Bank Close along the boundary of the appeal site would provide some improvement in the quality of the carriageway towards the eastern end of the lane approaching the turning head. The widening would also allow the potential for a greater ease of turning

- and manoeuvring for existing parking arrangements for vehicles accessing off-street parking in this location. I accept that this mitigative element of the proposal must therefore weigh in support of the development as a benefit.
6. Nevertheless, I share the Council's concerns regarding the quality of the junction between Bank Close and Balance Hill and that the carriageway at this point would remain restricted to a single vehicle width. I have however noted the reported ultimately unsuccessful attempts by the appellant to facilitate improvements to this junction.
 7. On the basis of the submissions and my own observations, it is evident that the existing junction is significantly below acceptable standards, both with regards the aforementioned limitations to the carriageway width and the significantly poor visibility for vehicles approaching the junction from either Bank Close or Balance Hill. I also observed that the geometry of the junction prohibits ease of manoeuvre for turning vehicles either into or out of Bank Close except at very low speeds with the risk of conflict at the junction between approaching vehicles inevitably leading to difficult or complex manoeuvres. Furthermore, the effect of significant levels of on-street parking on Balance Hill and Leighton Road in either direction from the junction would only succeed to exacerbate matters due to the resultant essentially single carriageway on Balance Hill.
 8. I do accept that the sub-standard nature of the junction must be navigated on an existing basis by the vehicular movements associated with the 17 properties which already traverse Bank Close daily. Furthermore, I recognise that the proposed development would proportionately result in only a comparatively limited further increase in the number of vehicular movements. However, whilst speeds are identified as being comparatively low, I observed some considerable variation in the speed by which vehicles travelled along Balance Hill in particular. I also consider it unreasonable to assume that all users of the junction or surrounding roads would exercise the same heightened levels of care and familiarity as neighbours or residents.
 9. I do not consider that the level of existing use and limited increase presents adequate justification to further exacerbate the risk to highway safety which would be represented by a further intensification of the junction's use. I find the significance of the limitations of the existing junction to be the central determinant in assessing matters of highway safety in connection with the proposed development, and that the characteristics of the junction pose an inevitable risk to highway safety and the free flow of traffic.
 10. In reaching my conclusions, I have had careful regard to the technical submissions by the appellant and with reference to the absence of an objection in this instance from Staffordshire County Council acting as the Highway Authority.
 11. I accept that the event of two vehicles meeting at the junction could be assessed as being an inconvenience. However, whilst I have had regard to the absence of evidence of recorded injury accidents, I do not accept that this must automatically lead to the conclusion that the junction is therefore inherently safe. The characteristics of the junction and the immediately surrounding highway are such that any ensuing manoeuvres to avoid conflict between vehicles would have the potential to compromise highway safety for the reasons already set out.

12. I recognise that a balance must be struck in assessing the impact of the development between the benefits to the highway environment as proposed by the widening of part of Bank Close, and the harm caused by the intensified use of the junction between Bank Close and Balance Hill. However, in this instance I disagree with the attribution of weight advocated by the County Council to the proposed widening as mitigation, which given its restricted scope and length would not attract more than limited weight as a benefit, insufficient to outweigh the further harm that would arise to the increased use of the sub-standard junction.
13. For these reasons, I am satisfied that the proposed development would result in an adverse impact on highway safety. The proposal would therefore conflict with Policies SP1, SP35 and DP1 of the East Staffordshire Local Plan 2012 – 2031 (adopted October 2015), and Policy T1 of the made Uttoxeter Neighbourhood Plan (March 2017). These policies seek to ensure that development considers the wider impact on traffic and road safety and does not result in vehicles causing highway safety issues and that appropriate infrastructure measures are provided to mitigate the adverse effects of development traffic.
14. There would also be conflict with paragraph 109 of the National Planning Policy Framework which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
15. I have noted that reference was also made to Policy T3 of the Neighbourhood Plan. However, I am satisfied that the proposed development would make adequate provision for parking and in the absence of the Council presenting any substantive evidence on this matter, the inclusion of this policy within the reason for refusal may have been in error.

Other Matters

16. I have had regard to the letters of representation which have been received by various interested parties on other matters during the planning application and appeal but have not been addressed as reasons for refusal by the Council. These have included concerns over the impact of the development on living conditions, drainage, biodiversity, and trees. However, due to my conclusions on the main issue, these are not matters which have been central to my decision-making in this instance, and I do not therefore address them any further.

Planning Balance and Conclusion

17. The provision of two additional dwellings would make a limited positive contribution to the local housing market in a sustainable location with good access to Uttoxeter Town Centre and the various public transport opportunities. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers.
18. Nevertheless, whilst acknowledging the above benefits, and the proposed mitigation in widening part of Bank Close, the proposal would have an overall adverse effect on highway safety, which I am satisfied would outweigh the

benefits. I have not therefore found the proposal to amount to sustainable development or to be in accordance with the development plan.

19. For these reasons the appeal is dismissed.

Martin Seaton

INSPECTOR