



Appeal Decision

Site Visit made on 14 January 2021

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/H2733/D/20/3261518

1 Derwent Close, Scarborough, YO12 6EF

- 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 Ken Whitaker against the decision of Scarborough Borough Council.
 - The application Ref 20/00989/FL, dated 24 May 2020, was refused by notice dated 25 August 2020.
 - The development proposed is the installation of dropped kerb and new gated entrance to parking and turning area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) highway safety and 2) the character and appearance of the area.

Reasons

Highway Safety

3. The appeal site is accessed from an existing access off the A171 Scalby Road. This access serves a block of four garages. The proposal would involve the creation of an additional access that would also provide access to the garages.
4. Scalby Road is identified as the main arterial route from Scarborough to Whitby. Even at the time of my site visit, during a national lockdown, I observed a relatively high level of traffic on the road that would inevitably be greater during times when there are no restrictions.
5. The road has a 30mph speed limit on this section and there are a number of accesses for side roads, commercial properties and residential properties along the section of road in the vicinity of the appeal site. There is also a lay-by style bus stop adjacent to the point of the proposed access.
6. The position of the proposed access would begin almost as soon as the bus lay-by ends. Due to the siting of the proposed access relative to the bus stop the visibility from the proposed access would be severely impeded when there is a bus in the bus stop. Drivers of vehicles leaving the proposed access would not have clear sight of vehicles, cyclists and other road users that would be passing a bus parked in the lay-by and there would be an increased and high risk of collision as a result. As referred to by the Council, no visibility splays have been submitted to demonstrate satisfactory visibility can be achieved.

7. The appellant has referred to turning movements on the same road opposite at The Woman's Refuge where an application was approved with no objections. I have not been provided with any further details, nor am I aware of the planning background to this case. Either way, it is for a different site in a different context, and I have determined the appeal proposal on its own planning merits.
8. The appellant states that there would only be 1 or 2 cars entering and leaving number 1 Derwent Close daily. There is nothing before me to suggest that the access would not be used to access the other garages also, and in any event the number of vehicles that may use the access does not overcome the harm I have identified.
9. I therefore conclude that the development would be harmful to highway safety. Thus, it would be contrary to the requirement of Policy DEC1 of the Scarborough Borough Local Plan (2017) that proposals provide suitable and safe vehicular access.
10. The proposal would also be contrary to paragraphs 109 and 110c) of the National Planning Policy Framework (the Framework) which outline that developments should minimise the scope for conflicts between pedestrians, cyclists and vehicles, and that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Character and appearance

11. This section of Scalby Road is notable for its many landscape features which include frequent hedges and grass verges at the front boundaries of properties, as is the case at the appeal site. Such features positively contribute to the character and appearance of the area.
12. The proposal involves the removal of part of the existing hedge and grass verge at the front of the property. Although the loss of a small section of hedge and grass verge would be unfortunate, given the relatively small amount of both features that would be lost in the context of the amount of hedging and grass verges in the area overall, such a loss would not cause unreasonable harm.
13. The proposal would therefore not cause unreasonable harm to the character and appearance of the area. This aspect of the proposal would comply with the requirement of Policy DEC1 of the Scarborough Borough Local Plan (2017) that proposals create attractive and desirable places, including by reason of landscape features.

Conclusion

14. Although I have found that there would not be unreasonable harm to the character and appearance of the area as a result of the proposal, this does not overcome the unacceptable impact that would be caused to highway safety. For the reasons set out above and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR