
Appeal Decision

Site visit made on 12 January 2021 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/A4710/D/20/3262651

Wren House 6, Kingswood Green - Access Road, Halifax HX3 7AX

- 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 Terry Wood against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/00635/HSE, dated 5 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is the excavation of part of front garden to create an off-road parking space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description in the banner heading is taken from the Decision Notice which more concisely describes the proposal than the description given in the Application Form.

Main Issue

4. The main issue is the effect of the proposal on highway safety with regard to road users and the free flow of traffic.

Reasons

5. 6 Kingswood Green is a semi-detached property set in an elevated position in relation to Kell Lane with a long front garden. The proposal entails excavating the section of garden adjacent to Kell Lane to create an off-street parking space. This space would measure 5 meters (m) wide, and around 3m deep. A new retaining wall would be constructed to 3 sides, with the entrance kept open to the road.
6. Kell Lane is a narrow two-lane carriageway, subject to a 30mph speed limit, There are no parking restrictions on this section of the highway and I

understand that residents tend to park vehicles opposite the site, which further restricts the width of the road available to road users.

7. The parking space has been designed so that a vehicle could park parallel to the road. Whilst there is no mechanism before me by which the proposed parking arrangement could be controlled, I am unconvinced that vehicles would park perpendicular to the road, and thereby protrude into it, as suggested by the Council. However, the proposal would require the driver to stop in the carriageway and reverse into the space.
8. The parking space is severely restricted in terms of its size and the 5m width would leave little room to manoeuvre, taking into account a standard 4.8m car length. Manual for Streets advises that space 6m long is typically required for vehicles to parallel park. On the basis of the shortfall, drivers are likely to need to make multiple manoeuvres in the carriageway.
9. In addition, no visibility splays are indicated on the plans. Due to the sloping nature of the gardens on Kingswood Green, the retaining walls either side would prohibit clear views in both directions due to their height above carriageway level. I cannot therefore be certain that vehicles egressing the site would have the required visibility to ensure a safe and suitable access.
10. These matters combined would pose an obvious and significant risk to road users in either direction, including to cyclists and other vulnerable road users, and impede the free flow of traffic in an already constrained road.
11. I appreciate vehicles may presently manoeuvre into kerb side spaces on the opposite side of Kell Lane but this does not convince me the proposed parking area could be safely accessed and egressed and I can only assess the proposal on its own merits.
12. I appreciate the desire of the appellant to ease difficulties arising from the lack of off-street parking, including the use of the small track for the delivery of goods and potentially having to park at a distance from their property on Kell Lane. To that end, I note the suggestion that mirrors could be installed to aid visibility when accessing or egressing the proposed space. However, no details of the proposed arrangement have been provided. Anecdotal evidence suggests that there have been no accidents in this road for 20 years, although there is no formal accident data before me to this effect. Nevertheless, a lack of accidents does not mean the arrangement would be safe given the changes it would introduce to the road. Similarly, whether the existing arrangement turning onto Kell Lane from Kingswood Green is more dangerous than that proposed does not make the proposal before me safe in and of itself.
13. To conclude, the parking space would be harmful to highway safety and hinder the free flow of traffic on Kell Lane. Consequently, the proposal is contrary to Policy BE5 of the Replacement Calderdale Unitary Development Plan which seeks to ensure the safe and free flow of traffic in the interest of highway safety.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR