



Appeal Decision

Site visit made on 15 February 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/M4320/W/20/3262749

16 Waterway Avenue, Netherton L30 8RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Carl England against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01085, dated 23 June 2020, was approved on 20 August 2020 and planning permission was granted subject to conditions.
 - The development permitted is the erection of a single storey extension to the rear of the dwelling house and a detached garage.
 - The condition in dispute is No 4 which states that:
 - a) *A scheme of works for the closure and reinstatement of the existing vehicular and/or pedestrian access on to Wheatfield Close shall be submitted to and approved in writing by the Local Planning Authority.*
 - b) *No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Wheatfield Close has been permanently closed off and the footway reinstated. These works shall be in accordance with the scheme approved under (a) above.*
 - The reason given for the condition is:
In the interests of highway safety.
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Decision

1. The appeal is allowed and the planning permission Ref DC/2020/01085, for the erection of a single storey extension to the rear of the dwelling house and a detached garage at 16 Waterway Avenue, Netherton L30 8RQ, granted on 20 August 2020 by Sefton Metropolitan Borough Council, is varied by deleting condition 4.

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.

Background and Main Issue

3. Planning permission has been granted for an extension and a detached garage to the rear of the appeal dwelling. This appeal seeks permission to carry out the development without complying with condition 4 of that permission which requires the closure of an existing vehicular access onto Wheatfield Close and the reinstatement of the footway. This condition was attached in the interests of highway safety.

4. The main issue is the effect that removing the condition would have on highway safety.

Reasons

5. The appeal site is a corner plot on Waterway Avenue with Wheatfield Close. The boundary fence along the Wheatfield Close perimeter of the site is continuous, with no openings along it. Thus, whilst the crossover remains, vehicular access into the site is physically blocked.
6. The Council has not provided any evidence to substantiate their concerns with the existing access in terms of highway safety. I note that the edge of the footway dips away slightly towards the carriageway and there is a break in the existing grass verge. However, the dip is limited and is at the outer edge of the footway where it is unlikely that pedestrians would be walking due to the presence of the adjacent grass verges. They would therefore be unlikely to experience the slight change in levels within this part of the pavement.
7. The immediate stretch of footway is also continuous along this part of Wheatfield Close and is finished in one consistent material. As such, there are no hazards for pedestrians walking along this stretch of footway or issues of accessibility. Furthermore, there is nothing before me to indicate that the retention of the vehicular access would have any harmful effect on the safety of road users.
8. Consequently, the retention of the existing access would not lead to significant harm to highway safety. My attention has not been drawn to any development plan policies. However, the development as proposed without compliance with the condition would adhere to the National Planning Policy Framework (the Framework) which seeks to create places that are safe, secure and attractive and minimise the scope for conflicts between pedestrians, cyclists and vehicles.
9. Condition 4 is not therefore considered reasonable or necessary and thus does not meet the tests set out in paragraph 55 of the Framework. As such, it should be deleted in its entirety.

Conclusion and Recommendation

10. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR