



Appeal Decision

Site visit made on 8 March 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/E2530/D/20/3264899

137 Manthorpe Road, Grantham NG31 8DH

- 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 P Gray against the decision of South Kesteven District Council.
 - The application Ref S20/1266, dated 29 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is formation of new vehicular access and erection of garage.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of new vehicular access and erection of garage at 137 Manthorpe Road, Grantham NG31 8DH in accordance with the terms of the application Ref S20/1266, dated 29 July 2020, subject to the attached schedule of conditions.

Preliminary Matters

2. As part of the appeal, the appellant has submitted accident data. I understand that the Council provided the appellant with this information shortly before they determined the planning application. The Council has confirmed that this data is accurate. Having regard to the Wheatcroft Principle, I am satisfied that the additional information would not prejudice interested parties. Consequently, I have accepted the accident data and decided the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed vehicular access upon highway safety.

Reasons

4. The appeal relates to a semi-detached property located on a corner plot at the junction with Manthorpe Road and Sandcliffe Road. To the rear of the property is an existing garage and driveway which is accessed from Sandcliffe Road. The appeal site is set back from Manthorpe Road behind a grass verge and pavement. The scheme seeks to create a new vehicular access to the front of the dwelling, close to the junction.
5. Manthorpe Road is a busy principal road with a 30mph speed limit. I observed on my site visit that the junction with Sandcliffe Road was frequently used and serves a large residential estate. I note that there are also schools nearby

which results in the number of vehicles and pedestrians utilising the junction increasing at certain times of the day. The estate is also served by Longcliffe Road and there is a pedestrian crossing in close proximity to that junction.

6. Adjacent to the junction, adjoining the appeal site, are double yellow lines and bollards preventing cars parking on the road and grass verge. This stretch of Manthorpe Road is relatively straight with good visibility in either direction. Hence, drivers would be able to clearly see vehicles exiting the proposed access and stopping to turn into the driveway. Similarly, vehicles at the junction, turning onto Manthorpe Road, would be able to see a vehicle exiting the driveway due to the width of the pavement and grass verge.
7. Properties along this section of Manthorpe Road have individual driveways accessing the road and there are similar access points located close to junctions¹. A local resident has highlighted that the distance between these driveways and nearby junctions is greater than that proposed. However, I consider the distance, between the driveway and junction, would not be substantially smaller than other accesses along Manthorpe Road.
8. The accident data demonstrates that there have been accidents within the vicinity of the site. Local residents also highlight that accidents have arisen close to the site. The data shows that three accidents have occurred within the vicinity of the site in the last five years. There is no evidence before me which demonstrates that the existing driveways along Manthorpe Road, including accesses close to junctions, have given rise to accidents. Similarly, based on the evidence submitted, only one accident relates to the street junction and the data suggests that the likely contributory factors were due to careless driving and the driver failing to look properly. Thus, the data suggests that there has been an extremely small amount of accidents associated with the street junction and existing access points have not resulted in accidents.
9. The access would relate to a residential dwelling and therefore the intensity of vehicle movement would not substantially increase. Given the likely low number of vehicle movements, good visibility, speed limit, other accesses and having regard to the accident data, vehicles entering and leaving the proposed vehicular access would have an extremely limited effect upon the flow of traffic. Hence, the development would not lead to an unacceptable intensification of conflicting vehicle movements.
10. For the above reasons, the proposed access would not have an unacceptable impact on highway safety. Accordingly, the scheme would comply with Policy ID2 of the South Kesteven District Council Local Plan 2011-2036 (2020) which seeks, amongst other matters, to ensure new development does not severely impact the safety and movement of traffic on the highway network. It would also comply with the National Planning Policy Framework which states 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.

Other Considerations

11. Given my findings above, it is not necessary for me to consider the fallback position highlighted by the appellant.

¹ Including Nos 133, 173 and 175 Manthorpe Road

12. I have had regard to the concerns raised by a local councillor and residents. These concerns relate to: impact upon a TPO tree, fence between the appeal site and No 139, whether there is a need for the scheme and an alternative scheme would be more appropriate. I note that the Council did not refuse the planning application on these matters and I see no reason to disagree.
13. The TPO tree relates to a large, mature Beech tree located towards the front corner of the site, adjacent to the junction. No substantive evidence has been submitted to demonstrate that the proposal would cause harm to the TPO tree, including its roots. Given the distance between the tree and the scheme, I see no reason to reach a different view to the Council.
14. I can only consider the appeal based on the development that has been applied for. Consequently, whether an alternative scheme would be more appropriate and whether there is a need for the development are not matters which justify withholding permission. The concern relating to the fence is a private matter and has not been relevant to my decision.

Conditions

15. It is necessary to attach a condition specifying the approved plans as this provides certainty. A condition is also necessary to ensure that matching materials are implemented in order to preserve the character and appearance of the area.
16. The Council has not suggested a condition relating to the hard surfacing materials. Nonetheless, the appellant has stated on the application form that the materials of the vehicle access and hard standing are to be agreed with the local planning authority. Thus, to preserve the character and appearance of the area, a condition is necessary to ensure that the hard surfacing materials are approved.

Conclusion

17. For the reasons given above, the appeal should be allowed.

L M Wilson

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (MSP.1752/001) and Proposed Site Plan and Elevations (1850/3).
- 3) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing dwellinghouse.
- 4) Prior to the final surface of the vehicular access having been laid, details of the hard surfacing materials shall be submitted to and agreed in writing by the Local Planning Authority. The hard surfacing materials shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.