



Appeal Decision

Site Visit made on 15 June 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2021

Appeal Ref: APP/A4710/W/21/3270726

77 Upper Lane, Northowram, Halifax HX3 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tom Rawnsley against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/01499/OUT, dated 23 December 2019, was refused by notice dated 11 September 2020.
 - The development proposed is demolition of existing detached residential dwelling to facilitate construction of 3 new detached residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with approval of access and layout sought. Other detailed matters relating to appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the safe and efficient use of the highway.

Reasons

4. The appeal site lies on the western edge of Northowram. It is accessed via a single lane access road that joins Upper Lane in between 2 detached dwellings that front onto this road. Upper Lane is a narrow road with a 20mph speed limit, a narrow footpath on its western side and no on-street parking restrictions apparent in the vicinity of the access road junction. During my site visit on a week day morning, I observed that Upper Lane was relatively well used by pedestrians and that there was some on-street parking in the vicinity.
5. The access road is narrow along its whole length, with no specific provision made for pedestrians. On the basis of the evidence submitted and my own observations, it is clear that the visibility distances at the junction of the access road with Upper Lane are significantly below the recommended stopping sight distances in Manual for Streets (MfS) and Manual for Streets 2 (MfS2). Vegetation within the garden of 81 Upper Lane, cars parked within the front garden area of 75A Upper Lane and on-street parking further hinders visibility.
6. It would therefore be highly unlikely that a driver exiting the access road in a forward direction would have a full view of the road until after the vehicle has

manoeuvred onto the footpath and then into the road. This is supported by what I viewed during my site visit and my own experience of exiting the access road. Vehicles on Upper Lane may therefore have to stop or manoeuvre round vehicles exiting the access road. Furthermore, a driver is unlikely to have a full view of the footpath until after the bonnet of the car has left the access road and manoeuvred onto it, presenting a risk to pedestrians, especially small children.

7. Visibility would be even more difficult if reversing out of the access road onto Upper Lane. This situation is a possibility given the narrow width and length of the access road and the position of the proposed passing place, and presents a concern whether it would occur on the frequency calculated by the appellant or on the greater frequency presented by the Council.
8. I acknowledge that the access road junction will already be used by vehicles associated with the existing properties. I also acknowledge the appellant's submissions about vehicle speeds on Upper Lane generally being within the 20mph speed limit during their survey period and the lack of recorded personal injury accidents in the vicinity of the appeal site. The absence of recorded accidents does not mean that the junction of the access road with Upper Lane is necessarily safe. The characteristics of the junction and the highway in the immediate vicinity are such that it represents a significant risk to highway safety for road users and pedestrians and to the free flow of traffic, given the lack of visibility and the nature of the manoeuvring that would be required to avoid conflict between road users and pedestrians.
9. The appellant and the Council presented different views on the likely traffic generation from the proposed development. I agree with the Council that the appellant's figures appear to be quite low, especially given that the application form indicates that two parking spaces would be provided for each dwelling. The intensification of the junction's use, even if this was the relatively limited increase in traffic presented by the appellant, does not provide adequate justification to further exacerbate the risk to highway safety.
10. The provision of a passing place on the access road would provide some improvement to the current situation. However, whilst this element weighs in support of the proposed development, it is not sufficient to outweigh the harm that I have identified.
11. The visibility splays at the junction of the access road with Upper Lane are significantly below the minimum value in MfS and MfS2. I have taken account of the evidence presented by the appellant as to why this would not present an unacceptable risk to highway safety. However, my view is that the proposed development would have inadequate access arrangements, and notwithstanding the speed of vehicles on Upper Lane, the lack of recorded personal injury accidents in the vicinity and the number of vehicle movements, this would present an unacceptable risk to the safety of road users and pedestrians and to the free flow of traffic.
12. The appellant has drawn attention to an appeal decision¹ which the appellant stated considered similar highway safety issues. In that case, the appeal was allowed. Based on the evidence before me, the particular circumstances of that development are not directly comparable to this appeal proposal, given the

¹ Appeal reference APP/A4710/W/20/3249928

number of dwellings proposed and the different intensification of use of the access road and junction that would result. Therefore, a comparison is of limited relevance in this instance. I have determined this appeal on its own planning merits.

13. The appellant states that driveways for the properties on Upper Lane in the vicinity of the appeal site have lower levels of visibility than the access road, vehicles from these properties will have to reverse on to Upper Lane, and this has not resulted in safety issues. Whilst this may be the case, it does not provide sufficient justification to allow the intensification of a junction that would give rise to the highway safety concerns identified above.
14. As such, the proposed development would have an unacceptable impact on highway safety and on the efficient use of the highway. The proposed development would therefore conflict with Policy BE5 of the Calderdale Council Replacement Calderdale Unitary Development Plan 2006 (the UDP), which requires that accesses ensure the safe and free flow of traffic (including the provision of cyclists) in the interests of highway safety. It would also conflict with paragraph 109 of the National Planning Policy Framework (the Framework), which states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

15. The evidence indicates that the Council cannot demonstrate a 5-year supply of deliverable housing sites. As a result, the 'presumption in favour of sustainable development' at paragraph 11d) of the Framework is relevant.
16. I have not identified any relevant Framework policies protecting areas or assets of particular importance that would provide a clear reason for refusing the proposed development.
17. At the time of determining the application, the Council could demonstrate a 2-year housing supply. This is a large shortfall and therefore has considerable weight in favour of the proposed development. There would also be social and economic benefits such as construction employment and additional residents supporting local shops, businesses and community facilities. However, with a net addition of 2 dwellings, these benefits would be limited and as such have limited weight.
18. Paragraph 109 of the Framework advises 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. I have found that there would be an unacceptable impact on highway safety as a result of the proposed development. I acknowledge the benefits of the proposed development, including the positive contribution to housing supply in a sustainable location. Nevertheless, the harm that I have identified to the safe and efficient use of the highway is such that it outweighs the benefits, notwithstanding the shortfall in housing supply.
19. Consequently, the adverse impacts of the proposed development would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

20. I have had regard to the concerns raised by interested parties, which, in addition to the above matters, relate to wear and tear on the access road from construction vehicles, obstruction caused by construction traffic and additional car parking. Retention of a turning circle and the introduction of parking restrictions on Upper Lane was also mentioned. As I find the proposed development unacceptable for other reasons, these considerations would not alter my decision.

Conclusion

21. The proposed development would significantly harm the safe and efficient use of the highway and would conflict with the development plan taken as a whole. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR