
Appeal Decision

Site Visit made on 7 September 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/A3010/D/21/3274152

Ivy Cottage, Laneham Street, Rampton, Retford DN22 0JX

- 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 Benjamin Hilton against the decision of Bassetlaw District Council.
 - The application Ref 20/01230/FUL, dated 14 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed was originally described as 'drop kerb request at Ivy Cottage – remove 2 full kerb stones and 2 tapered kerb stones to create a driveway at this address'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety in Laneham Street.

Reasons

3. Ivy Cottage is positioned immediately abutting the footway along Laneham Street (the Street). Due to the curve of the road, narrow footway and the position of the dwelling, views of vehicles travelling south along the Street would be severely restricted to any vehicles emerging from the proposed driveway.
4. There is good forward visibility along the Street with drivers aware of other access drives. Nonetheless, and noting the 30mph speed limit, vehicles approaching from the north in close proximity to the driveway would have very little time to react were a vehicle to emerge onto the Street.
5. Vehicles travelling south at a greater distance would have sufficient time to react to any emerging vehicles. However, it is those approaching at a shorter distance, which would not be visible to the emerging vehicle and would be at a high risk of collision.
6. Visibility for drivers exiting the site could be improved by the use of a mirror, as proposed by the appellant. However, such a fitting, especially if mounted at a low level adjacent to the footway, could be easily broken or dislodged. As such, I do not consider that a mirror could be relied upon to sufficiently mitigate the lack of visibility.

7. The existing property relies upon on-street parking and, during my site visit there were several cars parked along the road. However, there is no substantive evidence of any particular highway safety issue from these existing arrangements. Moreover, the appellant's evidence demonstrates that there have been no recent recorded accidents at this point along the Street.
8. Whilst the existing site may physically be capable of accommodating a vehicle, the appellant says that this is substandard in terms of its useability, in part due to the need to maintain pedestrian access to the adjacent property. The proposed removal of the boundary wall and vegetation at the appeal site, would increase the visibility from the adjacent dwelling's driveway. However, the wall is a dwarf wall and shrubbery can be pruned or maybe removed over time and is not as permanent as a building. As such, I afford these matters limited weight.
9. Off street parking would enable an electric charging point to be installed in the future. However, the proposal before me does not include an electric charging point, limiting the weight I afford it.
10. There are many access points along the Street with varying degrees of visibility and I have been referred to an approved dwelling. However, I have not been referred to any that share the same set of characteristics as the appeal proposal with a building, narrow footway and alignment of the carriageway combining to impede views of vehicles in close proximity.
11. Overall, the weight I afford to the benefits of the proposal do not outweigh the harm I have identified from the substandard visibility and intensification of use.
12. In conclusion, the proposal would have an unacceptable impact upon highway safety in Laneham Street. The proposal would be contrary to Policy DM4 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies Development Plan Document (DPD) (2011). This stipulates, amongst other things, that new development should ensure that it is not to the detriment of highway safety.
13. The proposal would also be contrary to paragraph 111 of the National Planning Policy Framework (2021) which seeks to ensure that development does not have an unacceptable impact on road safety.

Conclusion

14. For the reasons set out, and having considered all other matters raised, the appeal is dismissed.

Mr R Walker

INSPECTOR