



Appeal Decision

Site visit made on 18 January 2022

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/W4223/W/21/3283335

61 Chew Valley Road, Greenfield, Oldham OL3 7JG

- 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 Miss Deborah Hill against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/346178/21, dated 25 January 2021, was refused by notice dated 22 March 2021.
 - The development proposed is described as: new driveway access onto Chew Valley Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity, I have taken the title of the appellant from the appeal form, as it is more precise.
3. At the time of my site visit, I saw that the development had commenced and was substantially complete. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.
4. Paragraph 109 of the National Planning Policy Framework 2019 has been cited by the Council on its decision. However, the Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. The main parties have had an opportunity to comment on the significance of the changes.

Main Issue

5. The main issue of this appeal is the effect of the development on highway and pedestrian safety.

Reasons

6. A vehicular access has been created at the front of the host property, where access to Chew Valley Road is sought. The site is close to an existing zebra crossing on Chew Valley Road, which is to the right of the access when viewing the site from the front on Chew Valley Road. It is common ground between the parties that this zebra crossing has been recently installed to improve pedestrian access to the new and larger primary school on Shaw Street and highway safety in general.
7. Policy P9 of the of the Oldham Local Development Framework, Development

Plan Document – Joint Core Strategy and Development Management Policies 2011 (DPD) seeks to protect and improve local environmental quality, including not harming the safety of road users, whilst providing safety and security for all sections of the community, amongst other things. Paragraph 111 of the Framework requires development to only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8. The appellant has cited various documents in support of her submission¹, which includes the LDVCP that the Council's Highway Engineer has referenced in her consultation response dated 18 March 2021. In this response, there are 2no. particular issues that have been identified, which raise concerns for the Council. These are for pedestrians using the zebra crossing and for potential vehicular conflict with motorists in the vicinity of the junction between Chew Valley Road and Greenbridge Lane. I acknowledge the proximity of the access to the zebra crossing and that it is within its accompanying white zig zag lines that have been installed to prevent any parking within this area. However, it is not disputed that the width of the access is in excess of the minimum requirement and there is the ability for a single vehicle to turn around within the site to enable it to enter and exit in a forward gear.
9. I accept that the circumstances surrounding a private access are different to that of a side road, as expressed in the TSM but there are some similarities. Nonetheless, I consider that drivers can easily assimilate the surrounding features when driving along this section of road, thus decreasing the potential likelihood of vehicular/pedestrian conflict. Additionally, in urban areas, it is not uncommon to find a driveway/vehicular access in proximity of a pedestrian crossing or road junction. Thus, the development does not comprise an unusual or demanding feature in the street.
10. The appellant has referenced 2no. locations on the A62 and A669 within her submission, where zebra crossings are located, which exhibit similar characteristics to the zebra crossing on Chew Valley Road, regarding the proximity of points of access. Furthermore, it is claimed that no accidents have been recorded at these locations in the last 10 years. This has not been disputed by the Council. However, whilst noting the presence of these locations, relatively little detail has been provided regarding the particular planning backgrounds to those schemes. Without such information a full and detailed comparison between those developments and the case before me cannot be drawn except insofar as I was able to observe and assess the sites during my visit.
11. I appreciate that my visit provided only a snapshot of highway conditions, but I have seen nothing to suggest that what I saw was untypical. I acknowledge that the development is contrary to the guidance contained within the LDVC, which advises that within the confines of the zigzag lines at a controlled crossing, such as a zebra or pelican crossing, vehicular crossings will not be permitted. However, there is little before me to indicate that the LDVC forms part of the development plan. I find the comments from the Highway Engineer and the guidance in the LDVC to form a material consideration.
12. A key aspect of the development would be for vehicles to enter and leave the

¹ Manual for Streets 2007 (MfS); Manual for Streets 2 2010 (MfS2); Traffic Signs Manual 2019 (TSM) and Oldham Council Light Duty Vehicle Crossings Policy 2018 (LDVCP).

site in a forward gear. Therefore, I have considered whether a suitably worded condition could be imposed to ensure that otherwise unacceptable development could be made acceptable. The evidence indicates that this would only be possible for 'a vehicle' and does not demonstrate how multiple vehicles could achieve this requirement. The parties were given an opportunity to comment on this matter.

13. The enforceability of a condition limiting parking to a single vehicle was raised by the appellant, and an alternative approach was suggested to control the vehicle movements. I have little doubt to the lack of enforceability of the alternative approach. Whilst the appellant indicates that she has no objection to a condition limiting the number of vehicles that would park at the host dwelling and utilise the development, given the comments received, I am not fully satisfied that this approach would meet the tests set out in the Planning Practice Guidance. Thus, a key aspect of the development, could not be guaranteed for the life of the development, to the detriment of highway safety.
14. For the reasons set out above, I conclude that the development results in unacceptable highway danger to both motor vehicles and pedestrians. Therefore, the development fails to accord with the highway safety aims of DPD Policy 9 and the requirements of the Framework, particularly paragraph 111.

Other Matter

15. There is agreement between the parties that the development is not considered to result in any harm to the significance of the host property, which is a heritage asset due to it being Grade II listed. However, as I am dismissing this appeal for other reasons, I do not need to consider this matter any further.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR