



Appeal Decision

Site visit made on 28 February 2022

by C. Megginson

an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/G0908/W/21/3286007

Colinwood Brigham Road, Cockermouth, CA13 0AX

- 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 Brian Lee against the decision of Allerdale Borough Council.
 - The application Ref OUT/2020/0019, dated 9 November 2020, was refused by notice dated 13 May 2021.
 - The development proposed is the erection of 2 detached dwellings
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on highway safety.

Reasons

3. The appeal site is located at the end of a private lane, off Brigham Road to the southwest, and is bound by residential gardens on all sides. It currently forms part of the curtilage of Colinwood and was last used as a paddock. The private lane currently serves eight properties. The appellant states that traffic flows along the lane are 35 movements per day with the addition of two dwellings generating another seven.
4. The appeal scheme seeks outline planning permission with access the only matter to be considered. Brigham Road acts as a main highway link to a large number of residential estates on the southwestern perimeter of the town and therefore supports a significant volume of traffic movements. The traffic survey carried out by the appellant shows a traffic flow, taking into account morning and afternoon peak times, travelling east and westbound, equivalent to one vehicle every 24 seconds.
5. Visibility from the private lane at the junction with Brigham Road is severely restricted to the east by an existing stone garage and high wall. Vehicles would have to slowly edge forward into the carriageway to gain visibility. As a result, when taken in the context of 35 traffic movements per day, I consider that highway safety is prejudiced by the existing access arrangement onto Brigham Road. This would be further exacerbated by an additional seven movements per day.
6. At the time of my site visit there was a regular flow of traffic on Brigham Road in both directions. Parking is restricted by double yellow lines on sections of the road, resulting in staggered lines of parked cars. This means that at the

junction with the site access lane, traffic is single lane only from both directions, travelling on the southern side of the carriageway, with parked cars along the northern side. A short distance to the west of the access, the double yellow lines move to the northern side of the road, with parked cars using the southern side. This staggered arrangement means that traffic from both directions need to be aware of oncoming traffic and give way where necessary.

7. Evidence has been provided by the appellant to indicate that cars travelling along Brigham Road tend not to hug the kerb at the access lane location, and therefore, they state that there is scope for either widening the footpath, or using road markings, to realign the road at this point. This would allow traffic exiting the lane to have a 'sheltered space' to pull into, by repositioning the give way point to where visibility is clear in both directions. I note the disagreement between the appellant and the Council, with regards to the scope of the running carriageway to accept the realignment proposals, and whether the proposals would meet the required highway standards.
8. Even if the required standards could be met to realign the highway, the introduction of such an arrangement through road markings or a widened kerb at this location, would introduce a confusing element, which would artificially deviate from the normal straight line of the highway. When viewed by traffic travelling in both east and west directions, in the context of the existing staggered one-way arrangement, this would present an unfamiliar and confusing addition to the road layout, at a point where drivers already need to take care.
9. The increased frequency of vehicles protruding forward from the access, attempting to join Brigham Road, would create further confusion as well as increasing the potential for vehicular conflict. This arrangement could also create a false sense of security for vehicles exiting the lane, who would pull forward into the proposed give way position, without being able to check for traffic or pedestrians from the east. Cars and pedestrians travelling from the east would not see the traffic exiting the lane until it had already nosed out. Highway safety would be unacceptably prejudiced as a result of the proposed arrangement. The lack of accidents on this stretch of road does not dissuade me from my conclusions.
10. The proposed development would therefore have an unacceptable effect on the safe use of the highway. As such, it would be contrary to Policies S4, S5 and DM14 of the Allerdale Local Plan (2014) and the National Planning Policy Framework, at paragraph 110, which requires that a safe and suitable access to the site can be achieved for all.

Conclusion

11. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed

C. Megginson

INSPECTOR