
Appeal Decision

Site visit made on 25 February 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH March 2022

Appeal Ref: APP/P1045/D/21/3288374

Tagg Hill Cottage, 43 Church Street, Matlock DE4 3BY

- 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 Dr Anne Phillips against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00722/FUL, dated 2 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is the re-establishment of vehicular access to the above property, with parking for one vehicle only, with turntable.
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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 for users of Church Street.

Reasons

3. The proposal is a new vehicular access that would serve a single off-road parking space in front of No 43, which is detached dwelling that stands adjacent to Church Street within the main built-up area. The new access would join the highway at an acute angle close to where the main carriageway curves and slightly narrows. When traveling from east to west, Church Street also rises on the immediate approach to the site and continues to do so beyond it.
4. The existing stone wall that marks the highway frontage of No 43 and the raised ground behind it restricts the visibility of oncoming road users traveling uphill from the east. Due to its shape and size, the existing front garden of No 43 also offers no realistic opportunity for a motorist to enter and leave the site in forward gear. A vehicle using the new access and reversing into or out of the site would not be clearly identifiable by other drivers, nor would they clearly see oncoming traffic. That manoeuvre would, therefore, pose an obvious and significant hazard to other road users.
5. That Church Street bends and narrows as it passes the site appears to moderate traffic speeds to some extent particularly if a motorist sees that traffic is approaching in the opposite direction. I also note the appellant's view that Church Street has a good safety record. Even so, I observed that some drivers still accelerate up the hill at some speed towards the site notwithstanding the word 'SLOW' that is white painted on the carriageway

twice on the approach to the site from this direction. A similar safety warning is in place close to the site for those approaching in the opposite direction.

6. Against that background the safe operation of the new access would be reliant on achieving satisfactory visibility of other road users and on motorists being able to enter and exit the new parking space in forward gear.

Visibility

7. Part of the front boundary wall is to be removed and altered with the land behind it regraded to enhance the visibility of oncoming road users. With those works complete, the appellant considers that the visibility splays required by the Highway Authority (HA) of 2.4m by 43m in both directions can be achieved. In support of this view, a plan with two lines splaying out from the proposed access point has been provided together with photographs taken from several locations. The Council, supported by the HA, contest this opinion.
8. At the site visit, I took some time to view traffic passing the site from various locations along Church Street and at the proposed access point. Given the angle at which the new access would join the main carriageway, I share the appellant's opinion that drivers exiting the site would have clear views over a reasonable distance of road users approaching from the west. The position for oncoming vehicles and cyclists from the east would be less clear cut even if the required visibility splay can be achieved, which is questioned by the Council, since it relies on the driver looking over the shoulder rather than simply sideways given the tight angle involved. That said, on balance, I consider that oncoming road users from the east would be visible over a reasonable distance if the boundary wall and the adjoining land were to be changed, as proposed.
9. Given my observations 'on the ground', and taking into account all of the submitted evidence, I consider that, on balance, the visibility provided at the new access, along Church Street in both directions would be satisfactory. That finding is not dependent on the installation of a mirror in an elevated position on the main house, as proposed.

Entering and exiting the site in forward gear

10. The appellant states that all vehicles would enter and exit the new access to and from the uphill direction for safety reasons. To do otherwise and attempt a left turn into or a right turn out of the site would, according to the appellant, lack common sense given the tight angle involved and the local topography.
11. However, once the access is in place it would be evident in the local street scene. Some drivers, perhaps those unfamiliar with local conditions, may not be deterred by the new junction arrangement given the convenience of turning left into the site over a longer route that would involve turning the vehicle around further along Church Street. Having made that decision, the difficulty of carrying out the manoeuvre to enter the site would only become apparent to some drivers after they have committed to doing so. That outcome would pose a significant hazard to other road users given the consequent manoeuvres including reversing that would need to take place to enter the site at a location where Church Street narrows, bends and traffic speeds can be significant.
12. A planning condition has been discussed to require that vehicles always turn left out of the site and right into the site. The appellant says that it is usual practice for some residents to access their property in a particular way if their

line of sight is limited on the exit from the driveway or a parking space. However, this condition would not be enforceable. Therefore, it would fail at least one of the tests for conditions set out in the National Planning Policy Framework (the Framework).

13. To enable vehicles to enter and exit the new parking area in forward gear, a turntable would be installed on the site upon which a vehicle could be rotated. According to the amended plan, dated 16 August 2021, the turntable would be about 3.8 metres in diameter and placed to one side of the site. In this position, there would be space for no more than one vehicle to park in front of the main house. This arrangement would prevent the use of the driveway to park a second car on site that would not benefit from the use of the turntable.
14. A turntable of this dimension could rotate within the site with a small car parked on it. It may be, as the appellant says, that the turntable is designed to also accommodate medium sized cars. However, the submitted plan shows that the new installation would be close to the front of the main house and the boundary wall. It is unclear whether this arrangement would allow sufficient clearance around the turntable to enable a typical medium or family sized car to be fully rotated without obstruction. In my experience, the length of such a vehicle may well exceed the diameter of the proposed turntable, and in some cases significantly so. If that were the case, an overhanging vehicle could hinder the effective turning operation given the built structure(s) around it. As medium and family sized cars are commonplace, that eventuality is possible.
15. A vehicle swept path clearly showing that a driver of a typical medium or family sized car could turn into and out of the site and avoid reversing by using the new turntable would clarify this point. It may also be possible to create extra space around the proposed turntable by altering its position and reconfiguring the forecourt. However, these details are not before me. I have also carefully considered whether suitably worded conditions could be imposed to require the Council's approval of such information if planning permission were to be granted. However, the acceptability of the proposal and its effect on highway safety is partly dependent on the outcome of that assessment. As such, it would be inappropriate to impose such conditions at this stage.
16. Drawing these two strands together, I conclude that the new access could lead to a significant risk that reversing manoeuvres by drivers into or out of the site would take place even with the new turntable in place. That outcome would pose a significant risk to the highway safety of the users of Church Street.
17. The appellant places some reliance on the turntable that is in place at the front of a property called Ashleigh in Darley Dale that fronts the A6, which is a busy road. From the limited information provided, the Council previously found this turntable, which is the same size as the proposal, to be acceptable. I took time at the site visit to also view this existing facility that included some clearance around it. I also saw that the main highway as it passes Ashleigh, while busy, is reasonably flat and wide with good visibility of oncoming traffic in both directions. As such, the circumstances in that case are not the same or very similar to those of the proposal. Consequently, I am unable to attach more than limited weight to this consideration in support of the appeal. In any event, each proposal should be assessed on its own merits, as I have done.
18. I also saw that several existing accesses to properties in the local area to which No 43 belongs rely on reversing manoeuvres. I am unaware of the detailed

circumstances of these arrangements most of which are far from ideal with regard to highway safety. These examples do not persuade me that the proposal, which would add to highway danger, should therefore be accepted.

Conclusion on the main issue

19. On the main issue, I conclude that the proposed development would cause significant harm to the highway safety of users of Church Street, in conflict with Policy S3 of the Derbyshire Dales Local Plan. This policy states that planning permission will be granted for development where the access would be safe. It would also be at odds with the Framework, which aims to ensure that development is served by a safe and suitable access and would not have unacceptable impact on highway safety.

Other matters

20. The proposal would be a more accessible and convenient alternative to vehicle parking on the strip of land further along Church Street, which the appellant says is at saturation point on evenings and weekends. It would negate the need for the appellant to exit this existing parking area with restricted visibility and so there would be some safety benefit in doing so. On-site parking, as proposed, would improve the access arrangements for disabled people and provide an opportunity for electric vehicle charging, which has policy support and is an important way to tackle climate change. Permeable paving would replace the existing non-permeable surfaces on-site, thereby improving surface water drainage. There would, therefore, be some social and environmental gains that weigh in support of the appellant's case. However, these considerations do not outweigh the risks to safety raised by the proposal.
21. The site falls within the Old Matlock Conservation Area (CA), which covers a large area and is broadly characterised by stone buildings generally built along the contours of the steep hillside. I appreciate that historically the site had an open frontage and a driveway to Church Street that the appellant says was closed off to create a pedestrian only entrance during the 1920's or 1930's. The proposal seeks to reinstate that position with the opportunity to introduce additional planting. The Council raises no objection insofar as the effect of the proposal on the character and appearance of the CA is concerned. I, too, find the appeal scheme acceptable in this regard. The character and appearance of the CA would be preserved if the appeal scheme were to come forward. My finding on this issue does not outweigh the harm that I have identified.
22. The appellant is critical of the HA and has referred to a lack of proper engagement in the application process and its objections that, in her opinion, are specious and misguided. However, my remit is solely to determine this appeal.

Conclusion

23. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR