



Appeal Decision

Site Visit made on 15 September 2021

by P Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/N4720/W/21/3276890

Wentworth Villa, Town Street, Rawdon LS19 6PP

- 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 Andrew Walton against the decision of Leeds City Council.
 - The application Ref 20/04100/FU, dated 9 July 2020, was refused by notice dated 14 December 2020.
 - The development proposed is described in the application form as a 'proposed 3 bedroomed detached dwelling house'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided an additional drawing showing visibility splays that was not part of the application that was refused by the Council. I note that an appeal should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested parties' views were sought. The Council has had sight of the proposed plans and I am satisfied that the changes to the proposal are relatively minor, and that no party's interest would be prejudiced by the acceptance of this plan at the appeal stage. The Council re-consulted on this drawing and has provided comments.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. The appeal site comprises of former garden land associated with Wentworth Villa. It is located along Town Street, a busy 20 mph limit road that slopes past the site. Both the pavement and carriageway here are reasonably narrow, which is partly due to the presence of delineated on street parking on the opposite side of the road to the appeal site, which is well used. There are road signs in the vicinity of the site indicating a school crossing patrol which is likely to relate to the day nursery and primary school around 115 metres to the east of the appeal site¹.
5. The garden land is located in an elevated position within the streetscene to the rear of a small single storey commercial building in use as a hairdressers. Vehicular access to the site is via a reasonably wide but steep driveway. This is

¹ Based on the measurements provided by the Council.

set between stone walls demarcating the front boundaries of properties along Wentworth Terrace and the boundary of the appeal site. As well as serving Wentworth Villa, the existing driveway also provides access to a lane located to the rear of properties along Wentworth Terrace. On the site visit I saw that this lane was being used for some informal parking of vehicles.

6. Visibility from vehicles exiting the driveway is severely limited by the stone boundary walls and also, to the east, the adjacent hairdressers building. Visibility is further limited by a telegraph pole and the aforementioned road sign.
7. The proposed new dwelling would be sited between Wentworth Villa and Wentworth Terrace and would be set back a similar distance from the highway, behind the hairdressers. Vehicular access for Wentworth Villa and for Wentworth Terrace would continue and thus the proposal would represent an intensification in use of the driveway.
8. It is proposed to realign the driveway so that vehicles exiting onto the highway would meet it at an angle. The signage and telegraph pole would be relocated. Whilst the adjacent stone walls are proposed to be reduced in height to 0.6 metres, the hairdressers building would remain and would continue to significantly restrict visibility.
9. A speed survey carried out close to the site has been provided by the Council which gives an 85th percentile speed of 24.9 mph and 24.3 mph for eastbound and westbound directions respectively. Vehicle speeds thus tend to exceed the 20 mph speed limit in this location. The appellant considers the speed survey to be a reasonable representation of speeds on Town Street. The appellant's initial visibility splay of 2.5 metres x 25 metres (based on a maximum speed of 20 mph), would therefore not correspond to the stopping sight distances necessary for vehicles travelling at the speeds in the survey.
10. The appellant's revised drawing shows visibility splays 33.12 metres eastbound and 32.05 metres westbound, from a 2.4 metres set-back at the site access, as requested by the Council based on the speed survey and the guidance within Manual for Streets. However, due to the presence of the hairdressers building, the eastbound splay is offset from the nearside kerb by 1.12 metres, as meeting the kerb would involve extending over third party land in the form of the hairdressers building. This would lead to a blind spot of around 6 metres² to the east for those exiting the driveway in vehicles. In order to overcome the blind spot, it is likely that vehicles will need to pull out into the carriageway. This would likely to lead to vehicles waiting in the highway, potentially causing an obstruction to traffic to the detriment of the safety of road users.
11. The parking opposite, is likely used by residents of the nearby dwellings and those accessing nearby shops as well as parents dropping off and picking up their children from the nearby school and day nursery, at which time there is likely to be a high demand for spaces along this already busy road. This could lead to vehicles blocking the carriageway alongside the parking area as they manoeuvre into spaces or wait for others to exit. In turn this would, in all likelihood, lead to moving traffic overtaking these vehicles approaching the driveway on the wrong side of the road, from a direction in which visibility from the driveway is limited. This would add to the highway safety risk.

² Based on the information provided by the Council.

12. Furthermore, notwithstanding the limitations of the driveway described above, visibility would be additionally limited by the likely high numbers of pedestrians at school drop off and pick up times as well as people waiting at the nearby bus stop. Given the narrowness of the pavement, it is possible pedestrians will step onto the road edge to overtake others or people waiting at the bus stop. For the above reasons, views of these pedestrians from the driveway could be limited, to the detriment of highway and pedestrian safety.
13. I have had regard to the personal injury collision data provided by the appellant which is limited to one such accident in twenty years along this part of Town Street. However, this cannot provide confirmation of the appeal scheme's future effect on highway safety if allowed and does not alter my findings which are based upon the proposal and the site-specific factors outlined above.
14. I accept that this is an existing driveway and the proposal would result in some improvements to visibility, particularly in terms of lowered walls. I have also had regard to the anticipated number of daily trips that the dwelling would generate provided by the appellant. However, given the particular circumstances described above, namely the presence of the parking area opposite, the school and the busy nature of the road, to my mind this would be outweighed by the increased risk to highway and pedestrian safety arising from the intensification of this sub standard access.
15. For the above reasons I conclude that the proposal would have an unacceptable impact on highway safety and would therefore conflict with Policy GP5 of the Leeds Unitary Development Plan (2006), which seeks to maximise highway safety. There would also be conflict with Policy T2 of the Leeds Core Strategy which in summary, and amongst other things, seeks to ensure proposals can demonstrate a safe and secure access. The proposal would therefore also represent an unacceptable impact on highway safety as set out at National Planning Policy Framework (the Framework) paragraph 111. There would also be conflict with guidance contained within the SPD.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

P Martinson

INSPECTOR