



Appeal Decision

Site visit made on 15 March 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST April 2022

Appeal Ref: APP/A4710/D/22/3292101

9 Westfield, Wakefield Road, Lightcliffe, Halifax, West Yorkshire HX3 8AS

- 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 and Mrs Varley against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref: 21/00035/HSE, dated 1 February 2021, was refused by notice dated 17 November 2021.
 - The development proposed is parking area within garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on highway safety.

Reasons

3. No.9 Westfield is an end terrace property located at the junction of Westfield (9 to 16)/Park Terrace and Wakefield Road and has no off-street parking. The purpose of the development is to enable the occupants of 9 Westfield to facilitate the provision of a charging point for an electric vehicle.
4. A new access/egress to No.9 would be created from Wakefield Road. Wakefield Road (A649) is a busy arterial highway with a 30-mph speed limit at this point. There are no parking restrictions on Wakefield Road adjacent to the boundary with the appeal site. Westfield (9 to 16)/Park Terrace is a cul-de-sac and used for parking by residents of its adjoining properties. The appellants advise that occupants of the 8 houses in the terrace use Westfield (9 to 16)/Park Terrace for parking and that they either have to reverse into, or out of Wakefield Road when entering or leaving Westfield (9 to 16)/Park Terrace. At my site visit I observed that the turning area at the end of Westfield (9 to 16)/Park Terrace was inadequate and partly restricted at the time by a parked vehicle. Despite this it was possible to carry out a three-point turn in Westfield (9 to 16)/Park Terrace where there was a gap between parked vehicles.
5. The appellants have submitted a drawing indicating a parking space for 2 vehicles and with visibility splays at the new access of 2.4 m x 24 m to the west and 2.4 m x 43 m to the east along Wakefield Road. The Council's Highways section has commented that the visibility splays would only be suitable for an unclassified road with a 20-mph speed limit. The appellants

have advised that they would have been willing to amend the application to create greater visibility by the removal of trees. Potentially that could involve the felling of two large sycamore trees at either side of the proposed access, which would have an impact on the character and appearance of the area. I must determine this appeal on the basis of the plans refused by the Council as any alternative proposal would not have been the subject of public consultation and to do otherwise could prejudice the interest of any third parties and the council.

6. In view of the inadequate visibility at the proposed access, and 30 mph speed limit at Wakefield Road, it is likely that vehicles leaving the proposed access would have to pull forward to enable drivers to see oncoming traffic. This could have a detrimental effect on the free flow of traffic along Wakefield Road and create a hazard for pedestrians using the footway.

Other Matters

7. The appellants have referred to similar schemes which have been granted permission, including 2 properties off Wakefield Road in 2020, with off-road parking and no visibility splay. However, I have no details regarding that development and in any event its existence would be insufficient reason to justify allowing the proposal before me in this appeal.

Conclusion

8. I acknowledge the problems experienced by the appellants in parking and manoeuvring safely in connection with their property and the potential benefits of charging points for electric vehicles. However, I consider that the proposal would have a significant harmful effect on highway safety and the free flow of traffic, contrary to policy BE5 of the Replacement Calderdale Unitary Development Plan which requires, amongst other things, that the design of accesses should ensure the safe and free flow of traffic in the interest of highway safety.
9. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR