



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/W/22/3291009

Field Head, Leeds Road, Brighouse, Halifax, West Yorkshire HX3 8SD

- 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 Bill Lomas against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref: 21/00262/HSE, dated 24 February 2021, was refused by notice dated 24 November 2021.
 - The development proposed is erection and installation of electric sliding front gate 1.75 m on driveway, set back from highway and path.
-

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. Field Head is a detached dwelling located at the junction of Leeds Road (A58) and Sutherland Road. There is no vehicular access to Sutherland Road from Leeds Road at this point.
4. The proposed sliding gate would be around 1.75 m in height and made of wood effect composite material. It would be positioned to the rear of two low stone gate pillars and between the ends of existing box hedges at either side of the access, around 2 m in height. Although the Council considers that the proposal could result in pedestrian safety issues it seems to me that there would be little difference for pedestrians using the footway between the current open access situation and a gated access.
5. Leeds Road is an important busy arterial road which links Halifax and the motorway network. It has white chevron markings in the centre of the carriageway near the appeal site. It is likely that occasions will occur when the gates would be closed and approaching vehicles would need to gain access. Even if the gates could be operated by drivers automatically it would take time for them to open. This would result in vehicles waiting on the road carriageway whilst the gates open, forming an obstruction to the free flow of traffic and creating a situation where other vehicles may try to overtake.
6. The Council's Highway section advises that the proposed gate when open, being around 1.75 m in height, would also have a detrimental effect on the

visibility splay for vehicles entering Leeds Road from the appeal site. The appellant indicates that the gate would be hidden behind the box hedges when in the open position, thereby not affecting the visibility splay. Although that may be the case, I consider that because vehicles would not be able to immediately pull off Leeds Road to enter the property, as is currently the case with no gate in place, the proposed sliding gate would cause unacceptable detrimental effects for highway safety.

Other Matters

7. The appellant considers that the principle of installing a gate "is surely not a matter for planning as described". Nevertheless, a gate exceeding 1 m in height next to a highway used by vehicles or footpath of such a highway would require permission and the Council determined that a planning application was necessary.
8. The Council considered that the proposed gate would cause no harm to the setting of the listed building of the former Lightcliffe United Reform Church. I see no reason to disagree in view of the separation distance and limited scale of the proposal.

Conclusion

9. I consider that the proposal would have a significant harmful effect on highway safety, 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.
10. 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