



Appeal Decision

Site visit made on 7 June 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2022

Appeal Ref: APP/A4710/W/22/3293996

Land at Range Bank, Halifax

- 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 Build Pro Developments Ltd against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/00893/FUL, dated 25 June 2021, was refused by notice dated 18 January 2022.
 - The development proposed is a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage at Land at Range Bank, Halifax in accordance with the terms of the application, Ref 21/00893/FUL, dated 25 June 2021, subject to the following conditions:
 - 1.) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2.) The development hereby permitted shall be carried out in accordance with the following approved plans: site/floor plans as existing/proposed site location plan H1173-110 Rev 4, and ga elevations/sectional elevations as proposed R1048-201 Rev 3.
 - 3.) No development hereby permitted above slab level, shall take place until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, which shall be retained thereafter.
 - 4.) Notwithstanding condition 2, the development hereby permitted shall not be brought into use until detailed specifications of the design and operation of the proposed garage door have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specifications and shall be retained thereafter.

Preliminary Matter

2. The application form does not include a description of the proposed development. I have therefore used the description provided in the Council's decision notice in the banner heading above. However, I have omitted the reference to it being a resubmission of a previous planning application as this is superfluous and not an act of development.

Main Issue

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

Reasons

4. The appeal relates to a single storey detached garage, which is situated in an angled position in relation to the Range Bank highway. Due to the topography of the surrounding area a number of properties and garages on the eastern side of Range Bank, including that on the appeal site, sit at a higher level than the highway. The appeal site is also located near to a bend along Range Bank which steadily rises from the south of the appeal site up to the junction with Claremount Road. The difference in levels has resulted in stone retaining walls being prevalent along the frontage of this side of the highway and to the side boundaries of the appeal site.
5. The orientation of the existing garage and sloping nature of the access means that an awkward manoeuvre is required for any vehicle entering or exiting the garage onto Range Bank. Visibility is also substandard due to the difference in levels, the bend in the road, and the existing boundary treatment.
6. However, the proposed replacement garage would be re-orientated to be perpendicular to, and face the road, thereby providing direct access onto it. Although visibility would still be substandard, there would be an improvement compared to the existing situation. This is due to the approximate 5 metre set back of the garage, the excavation of land and the provision of a level, longer and wider vehicular access, along with the removal of part of an existing side wall.
7. The proposed driveway area would be of a length to tightly accommodate a parked car in addition to one parked in the garage. Nonetheless, I saw that a car was parked on the short sloping driveway in front of the existing garage on my site visit, and that this overhung the footway. I am therefore not convinced that any intensification or material increase in traffic movements to and from the site would arise from the proposed development.
8. Furthermore, I am satisfied that details of the design, specification and operation of the garage door could be secured through the imposition of an appropriately worded planning condition similar to that suggested by the appellant. This is necessary to ensure that there would be sufficient space on the driveway for a car to be parked whilst opening and closing the garage door. A vertically opening door design for example, would ensure that a car would no longer overhang the highway, which would represent a betterment to the current situation and highway and pedestrian safety.
9. On my site visit I noted that Range Bank was lightly trafficked, that there are 20 mph restrictions in place and that a number of vehicles were parked along the same side of the highway as the appeal site. The presence of these parked vehicles obliged traffic travelling south to move cautiously on the approach to the bend, which ensures that drivers are vigilant and that vehicle speeds are low in the immediate vicinity. In addition, the principle of a vehicular access at this location and other points along both sides of Range Bank is well established. Pedestrians would therefore expect and be aware of the presence of vehicles, as would drivers of pedestrians.

10. I am also mindful that advice in the government's Manual for Streets 2 (2010) sets out that a reduction in visibility below the recommended levels is not necessarily a problem, unless there is local evidence to the contrary. Despite the Council's concerns about the accuracy of the appellant's data from the Crashmap website, it has not provided any convincing evidence of its own to substantiate that the visibility at this access has resulted in harm to highway safety.
11. Overall, I am therefore satisfied that the proposal would improve highway safety generally, taking account of present conditions. As a consequence, it would not have an unduly harmful effect on highway safety and would not conflict with Policy BE5 of the Replacement Calderdale Unitary Development Plan 2006. Amongst other matters, this seeks to ensure the safe and free flow of traffic in the interests of highway safety. Furthermore, paragraph 111 of the Framework indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. For the reasons provided above, I have not found this to be the case in this instance.

Other Matters

12. The proposal is not for habitable accommodation, where a resident would be expected to spend a considerable amount of time. Moreover, satisfactory intervening distances would be achieved between the proposal and the occupiers of No 43 to ensure that no significant loss of privacy would occur.

Conditions

13. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance: *Use of planning conditions*. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty. However, I have made reference to drawing 'R1048-201 Rev 3' in this condition rather than 'H1173-201 Rev 3' as this is what is shown on the plan. Whilst not suggested by the Council, a standard condition is needed to secure details of external materials in the interests of the character and appearance of the area. I also consider a condition for the details of the design, specification and operation of the proposed garage door to be necessary in the interests of highway safety.

Conclusion

14. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be allowed.

Mark Caine

INSPECTOR