

Appeal Decision

Site visit made on 20 July 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/N3020/W/22/3292956

108A Jessops Lane, Gedling, Nottinghamshire NG4 4BZ

- 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 Mark Simpson against the decision of Gedling Borough Council.
 - The application Ref 2021/1129, dated 20 September 2021, was refused by notice dated 26 November 2021.
 - The development proposed is a bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The plot for the proposed bungalow is located to the rear of the two-storey semi-detached dwellings which front Jessops Lane. It sits between the existing bungalow at 108A Jessops Lane and a currently vacant plot which formerly formed part of the curtilage of No 32 Lambley Lane. The evidence before me indicates that planning permission was recently granted for a dwelling on this neighbouring vacant plot¹. These plots are served by a private access drive which sits between the properties at Nos 108 and 110 Jessops Lane.
4. Although only a snapshot of the highway environment on Jessops Lane, during my site visit there were regular traffic movements along the road. Several vehicles were parked on the highway, some of which were mounted on the pavement, including in close proximity to the proposed access point.
5. To the side boundary of the private access drive with No 108 Jessops Lane, high fencing extends up to the boundary with the public footway. This means that for drivers exiting onto Jessops Lane, visibility towards the southeast is severely restricted. Consequently, it is likely that vehicles encroach onto the footway before adequate sightlines are provided of pedestrians approaching from that direction. The intensification of the use of the private access drive that would result from the proposal would therefore increase the risk of collision between vehicles exiting the private access drive and pedestrians on Jessops Lane.

¹ LPA Ref 2021/0284

6. At the time of my site visit, there were gaps in the side boundary fence with No 110 Jessops Lane next to the highway boundary. Visibility from the private access drive towards the northwest was therefore less constrained. However, there is nothing before me to suggest that the appellant has sole control of either of the side boundaries along the private access drive. Therefore, I cannot be certain that a condition to control the height or position of boundary treatments in the vicinity of the highway boundary would be enforceable. This means the safety of pedestrians approaching the access point from either direction cannot be protected in the long term.
7. In addition, the width of the private access drive is not sufficient to enable two vehicles to pass alongside each other. There is the potential that any vehicle turning into the drive from Jessops Lane could encounter a vehicle approaching in the opposing direction. In such instances, drivers may be tempted to reverse on to Jessops Lane. Furthermore, any vehicles parked in close proximity to the access point, on the same side of Jessops Lane, could impede views of oncoming traffic for drivers exiting the private access drive. These factors further persuade me that the intensification of use of the private access drive would increase the risk of collision on Jessops Lane to the detriment of highway safety.
8. The evidence before me indicates that an objection was not raised by the Highway Authority in respect of the recently approved dwelling on the neighbouring vacant plot. This was because an established use of the private access drive, in association with a garage on that site, was taken into account. Whether or not that garage had not been used for some time, the proposal before me would further intensify use of the private access drive which for the reasons already set out would not be acceptable.
9. I conclude, the proposal would have an unacceptable effect on highway safety. In that regard it would conflict with the highway safety requirements of Policy LPD 61 (Highway Safety) of the Gedling Borough Local Planning Document Part 2 Local Plan (2018). It would also be contrary to Paragraph 111 of the National Planning Policy Framework (the Framework) which confirms amongst other things that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Conclusion

10. I conclude, the development would have an unacceptable effect on highway safety and therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR