



Appeal Decision

Site visit made on 7 September 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/M2372/W/22/3298121

81 Ramsgreave Drive, Blackburn BB1 8NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Ms Jacqueline Maria Collinge against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/0957, dated 24 August 2021, was refused by notice dated 8 November 2021.
 - The development proposed is described as 'Extension to garden area'.
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Decision

1. The appeal is allowed and planning permission is granted for 'Extension to garden area' at 81 Ramsgreave Drive, Blackburn BB1 8NA in accordance with the terms of the application, Ref 10/21/0957, dated 24 August 2021, and the plans submitted with it, subject to the following conditions:
 - 1) Unless otherwise specified by condition, the development hereby permitted shall be carried out in accordance with approved plans – Drawing No 3465-104 and Drawing No 3465-003.
 - 2) Prior to works commencing on the brick wall between points A and B on Drawing No 3465-104, details of the extent of the western visibility splay for Ramsgreave Avenue at its junction with Ramsgreave Drive where it crosses the site, shall be submitted to the Local Planning Authority for approval in writing. At no time shall the approved visibility splay be obstructed by any building, wall, fence, structure or planting exceeding a height of 0.6m above the crown level of the adjacent highway.

Preliminary Matters

2. Works required for the development have commenced and are in general accordance with the plans but are not yet complete. Nevertheless, I have determined the appeal based on the plans before me.
3. A further drawing has been submitted with this appeal that does not appear to have been provided to the Council at the application stage. However, as the drawing is illustrating measurements of the adjacent road and does not amend the scheme itself, then I am satisfied that my consideration of this information would not prejudice any parties.

Main Issue

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

Reasons

5. The appeal scheme relates to a semi-detached dwelling positioned on the corner of Ramsgreave Drive and Ramsgreave Avenue. Ramsgreave Drive is a dual carriageway with a separate service road to its southern side. Ramsgreave Avenue is an unadopted road serving a small number of dwellings and garage plots. For its length adjacent to the host property, Ramsgreave Avenue is largely single carriageway width and unmade, with visibility limited to the east by an existing hedge. A raised grass verge lies to the side adjoining No 81 Ramsgreave Avenue. The proposed extension to the garden at No 81 would enclose part of this verge.
6. The Council argues that the proposed development would restrict visibility and manoeuvrability at the junction of Ramsgreave Avenue with Ramsgreave Drive to the extent that this would have an unacceptable impact on highway safety for all users in and around this junction.
7. With regards to visibility, no guidance or standards have been referred to by the Council. The plans show that there would be no boundary treatment to the side of No 81 for the initial 1.4m back from the footpath. Then, a stepped brick wall, 0.7m in height for the first 2.0m (approx.) would form the side boundary. I observed that land levels to the front of No 81 rise up from the back of the footpath, whereas levels do not rise along the carriageway of Ramsgreave Avenue until further back, resulting in a gradual change in levels between the road and the host property. However, this difference in levels would not be significant in the area immediately to the rear of the Ramsgreave Drive footpath, where pedestrian and vehicular visibility would typically be measured. As such, I do not consider that the proposed development would impact detrimentally on visibility achievable to the west of the junction, or for those approaching the junction from the west. In order to ensure this, a condition can be imposed restricting any obstructions exceeding 0.6m in height within this sight line, as suggested by the Council. This would limit the height of the brick wall to 0.6m, should it encroach into this area.
8. I accept that there may be some scope for parked cars within the frontage of No 81 to obscure visibility to a degree. However, this is not an uncommon scenario. It would be the same to the other side of the junction at No 79 if the boundary hedge were removed. Cars parked on the service road already have the potential to partially obstruct visibility also, as parking here is unrestricted. As such, this does not alter my previous findings.
9. In considering the movement of vehicles into and out of the junction, I appreciate that pedestrians and drivers within this area have a lot to consider, given the arrangement and busy nature of Ramsgreave Drive, in particular. However, whilst the proposal would narrow the overall width of the opening between No's 79 and 81 Ramsgreave Drive, it would not encroach in any significant way onto the unmade carriageway itself. From the information before me, the area affected by the proposal appears to have been grass verge, used in part for parking. Therefore, the movement of vehicles into or out of the junction would not necessarily change as a result of the proposed development, because the unmade carriageway width forming Ramsgreave Avenue would be retained as existing. The partial loss of the grass verge may discourage parking within this area in the future. However, I have not been presented with any evidence to suggest that this parking could not be absorbed elsewhere in the locality. As such, I find that the development would not result in any material harm to existing manoeuvring arrangements at this junction.

10. Whilst I appreciate the concerns of third parties relating to safety, I have not been provided with any accident records demonstrating any safety issues at this location. I appreciate not all incidents are recorded, but for the reasons outlined above, I do not consider that the proposal would change the existing highway conditions detrimentally. Neither have I been presented with any evidence to suggest that emergency vehicles have encountered difficulties with access or egress along Ramsgreave Avenue in the past, or that the development would give rise to any such difficulties.
11. The Council considers that the development would prejudice future adoption of Ramsgreave Avenue to the detriment of users of Ramsgreave Avenue. I have not been provided with any formal document setting out the Council's adopted standards in order to demonstrate clearly that the proposal would prevent this from happening. Further, I would question the likelihood of this happening through the mechanisms presented to me. The Highway Authority confirms it has no intention to make up the road to adoptable standards. This scenario would only arise through a Private Street Works application and I have not been provided with the full details of that process, or evidence of any definite intent or agreement to such an application being made, or the likelihood of adoption, if such an event did arise.
12. Nevertheless, subject to the imposition of a condition, I have found the proposed development to be safe in terms of visibility at the junction. Further, I have found that the proposal would not encroach into the formed carriageway and would not therefore change the existing situation with regards to manoeuvring at this junction. As there would be no material harm to highway safety, there would be no detriment to users of Ramsgreave Avenue.
13. Some representations indicate a long-term desire to undertake improvements to the road. Possible improvements would not necessarily amount to adoptable standards and the proposed development would not necessarily prevent such measures from being undertaken.
14. To conclude on this main issue, the proposal would not result in any material harm to highway safety. The proposal therefore complies with Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies, Adopted December 2015, which amongst other matters, requires that new development does not prejudice road safety, and the safe, efficient, and convenient movement of all highway users. Further, the development would accord with paragraph 111 of the National Planning Policy Framework (NPPF) which seeks to ensure that new development does not harm highway safety.

Other Matters

15. Whether the applicant has a need or not for further parking, is not a matter that would attract any significant weight. Neither can I afford any significant weight to any past actions or activities, that may have resulted in this private road being temporarily obstructed in the past, nor to any future actions that have not yet taken place, such as further encroachment, or use of No 81 for commercial purposes.
16. A lack of land ownership is not an impediment to applying for planning permission, subject to completion of the appropriate certificate, which has been completed in this case. Land ownership matters could prevent implementation

of the development. However, this is not a matter of any significant weight in my decision.

17. The Act allows for applications to be made retrospectively and I am not aware of any reason why the appellant should have applied for this permission at the same time as that for a single storey extension, previously constructed.
18. I have carefully considered the representations raised in relation to drainage and tree/hedge removal. However, the Council has expressed no concerns in respect to these matters and I have no reason to disagree with their conclusions, based on the evidence before me. Reference has also been made to planning permission 10/22/0078 the full details of which have not been provided to me. I have assessed this proposal on its own merits. The removal of street name signage is not relevant to this case.
19. These other matters do not lead me away from my findings in relation to the main issue.

Conditions

20. I have had regard to the conditions suggested by the Council. As the development has commenced and appears to accord with the submitted plans, it is not necessary to impose a time limit condition for the commencement of works. However, as the development is not yet complete, I have imposed a condition specifying the approved plans as this provides certainty.
21. I have imposed a condition restricting any development or planting within the visibility splay to the west of the Ramsgreave Avenue junction to be no greater than 0.6m in height. As none of the plans provided identify the extent of the visibility splay and the area of the appeal site affected, the condition requires that this detail be submitted to the Council for approval, for precision and enforceability purposes. The imposition of such a condition is necessary for highway safety.
22. I have not imposed a condition restricting the future use of permitted development rights as suggested by the Council, as the NPPF and National Planning Practice Guidance (NPPG) state that this is inappropriate unless there is clear justification to do so. I have not been provided with such justification in this case and so it would not be reasonable or necessary.

Conclusion

23. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR