



Appeal Decision

Site visit made on 3 January 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2023

Appeal Ref: APP/T4210/D/22/3307662

3 Dumers Lane, Bury BL9 9PE

- 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 Jonathan Hoy against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68456, dated 13 May 2022, was refused by notice dated 28 July 2022.
 - The development proposed is 'a dropped kerb and driveway at the front of our property'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner heading above is taken from the planning application form. It was accompanied by an extensive justification for the proposal. I have subsequently removed those elements which were superfluous to describing the 'development' for which planning permission was sought.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the locality and highway safety.

Reasons

Character and appearance

4. The site is a semi-detached dwelling set behind a front garden enclosed by a brick wall and pedestrian gateway. It is one of 4 similarly designed houses fronting on to Dumers Lane (A6053) close to a signalised junction with Manchester Road (A56). In the area there are grouped buildings of mixed ages and styles. There are various forms of front boundary enclosures, however, the majority are low masonry walls. These form the characteristic means of enclosure in the area.
5. There is little detail on the submitted plans to show the extent of the front wall which would be removed; whether the existing characteristic gate pillars would be retained or relocated, or, how the hardstanding area would be graded. The existing front garden is raised above the pavement such that some releveling of the proposed parking area would be necessary to provide the vehicular access.

6. The replacement of the existing hard and soft landscaping with hard surfacing and the demolition of some, if not all, of the front boundary wall would remove some of the original character of the site and its contribution to the small group of similar properties. In the context of the mixed nature of development in the locality the individual effect would be minor. However, when seen in conjunction with existing examples where original walls and frontages have been removed without compensation to the loss of visual interest, or if repeated elsewhere, the detrimental effect on the character and appearance of the locality would be more considerable.
7. Whilst single width driveways are evident in the area and other properties have formed parking areas utilising former garden areas, these are in the minority on this part of Dumers Lane. They are not therefore a strong argument in favour of a proposal that would cause harm to the character of the existing property or cumulative harm to the wider area. Other properties benefitting from original driveways retain landscaping elements which contribute to the greening of the local streetscene.
8. In support of the proposal the appellant asserts that existing landscape elements could be removed without consent. However, there is little to demonstrate that this would be a realistic proposition if planning permission were refused, or that any adverse effects would be comparable to those arising from the proposed development. I am not therefore persuaded that this is a strong argument in favour of the proposal.
9. Despite the limited information provided, I find the removal of the existing landscaping and part, if not all, of the boundary wall would cause harm to the original character of the row of houses and be detrimental to the quality of the streetscene. It would thereby conflict with saved Policy H2/3 of the Bury Unitary Development Plan [1997] (the UDP) and the advice contained in the adopted and amended Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (SPD) as they seek alterations to properties to be of a high standard and sympathetic in nature with the original building and surrounding area.

Highway safety

10. According to the appellant's submitted drawings, the area forward of the main elevation would be some 4.5m deep and 7m wide. However, it is unclear as to whether this accounts for the projecting front bay which does not seem to be represented on the plans. For perpendicular parking, the forecourt depth would be below the 5m minimum parking space length advocated in the SPD. Although it may be possible to accommodate small vehicles in this manner, this would result in a requirement for family-sized vehicles to be parked diagonally across the site to avoid obstruction of the adjacent footway.
11. Despite the position of the projecting bay and the presence of a lighting column adjacent to the frontage wall, I have little doubt that angled parking for a single vehicle could be achieved on the area. However, due to the limited space, this would require reverse manoeuvres either into or out of the site.
12. At the time of my site visit, albeit a snapshot in time, the A56 and A6053 were observed to be well trafficked with queuing regularly occurring during the respective restrictions in flows through the signal-controlled junction.

13. The site lies a short distance beyond a give way marking to a filter lane providing for left turning traffic into Dumers Lane from the northbound carriageway of the A56. On the opposite side of Dumers Lane, the frontage lies between the junction with Wellfield Close, a residential cul-de-sac, and a northbound filter lane and the wait line for Dumers Lane traffic turning southwards on to the A56 or across the junction into Millwood Court.
14. For vehicles emerging from the site, the angled arrangement for parking would not provide optimum visibility for drivers. However, given the width of the roadside pavement and the low boundaries at the neighbouring sites, visibility to pavement users or cyclists in the nearside lane would be similar or better than those achievable on other driveways in the locality. This would adequately limit risk to those road users.
15. For vehicles turning out, the pause in traffic on the nearside lane of Dumers Lane caused by the 2-phase operation of the main junction would assist in reducing the potential for vehicle conflicts. Visibility along the main carriageway, would be largely unobstructed due to the parking and loading restrictions on this section of the road. Views to eastbound traffic on Dumers Lane and that emerging from the junction with Wellfield Close would provide for adequate visibility when emerging from the site.
16. Whilst the pause in traffic flow from the A56 may also assist drivers pulling into the site from the eastbound carriageway, this benefit would not necessarily apply to those arriving at the site from the direction of the main north-south route. Slowing to turn into the site, waiting or reverse manoeuvring from the main carriageway onto the proposed hardstanding would be in close proximity to the give way marking on the northbound filter lane. At the time of my site inspection, I observed that, rather than focussing on forward visibility, drivers using the filter lane were preoccupied with looking to their right to check for safe emergence on to Dumers Lane against the traffic turning right from the southbound carriageway of the A56.
17. I also saw that the geometry of the filter lane resulted in traffic speeds through the junction that were relatively high. In conjunction with the propensity for drivers to be looking northwards and expect leading traffic to continue, even accounting for a continuous or a re-engaged left turn signal, I find this would be a particular hazard arising from accessing the site in such close proximity to the busy junction. This risk would be highest at peak times.
18. I note the appellant's contention that reversing into the driveway could be carried out when traffic on the A56, including the filter lane, is halted. I agree that, subject to a satisfactory arrangement for a suitable crossing and site entrance, the risk could be minimised in this manner. To reduce the identified hazard above, this would require vehicles approaching to pull up some distance from the give way markings, then carry out the manoeuvre. However, against the phasing of the traffic lights, the time taken to carry out the manoeuvre would be dependent on several factors. This would include the detailed design of the frontage arrangement and clarification as to whether this involved removal or relocation of the lamppost. In the absence of such detail and pursuant to my finding in relation to impacts on the character of the locality above, there is little to demonstrate that this could be achieved to effectively reduce the identified risk to highway safety near the site.

19. The provision of parking within the site would provide the benefit of safe embarkment/dis-embarkment of young children without the necessity to walk to other parking locations alongside or across Dumers Lane. It could also reduce on-street parking pressure elsewhere. However, I find that any benefits therein would be substantially offset by the elevated highway risk identified above.
20. The claim that some neighbouring occupiers on Dumers Lane have utilised existing driveways without risk to highway safety is noted. However, as they are located either within or further from the filter lane, their circumstances are distinct from the appeal case.
21. Notwithstanding my finding that parking for a single vehicle could be provided on the site frontage without impeding users of the adjacent footway, I find that the proposed alterations and arrangement in close proximity to a major junction would cause significant harm to highway safety in the locality. It would conflict with Policy H2/3 of the UDP and the SPD as they seek to ensure suitable standards of visibility for drivers of motor vehicles in the interests of highway safety.

Other Matters

22. The plans detail imprinted concrete as the proposed surface of the vehicle hardstanding. As an impervious form of ground cover on a sloping site, this could discharge surface water onto the highway. However, an alternative porous construction or intercept channel and soakaway could prevent this. These are matters which could be addressed through planning conditions to accord with the guidance in the SPD.
23. I recognise that a landscaping condition could mitigate part of the effects of the removal of the existing garden and wall. However, as any requirement to mitigate the effects of the development on the character and appearance of the locality could prejudice the ability to adequately park or manoeuvre vehicles on the site frontage, it could therefore nullify the benefit of the planning permission it was attached to. This would fail the tests set out in Paragraph 56 of the National Planning Policy Framework. It is not therefore a viable option in the appeal decision.

Conclusion

24. Notwithstanding my finding in favour of the appellant in regard to the safety of pavement users, I do not consider that this or the other considerations presented by the appellant outweigh the totality of the harm to the character and appearance of the locality or other highway safety concerns. The proposal would conflict 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. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR