



Appeal Decision

Site visit made on 11 April 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/A4710/W/22/3312708

77 Upper Lane, Northowram, Calderdale, Halifax HX3 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Strangeway against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/00602/OUT, dated 24 May 2022, was refused by notice dated 9 November 2022.
 - The development proposed is the construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with access and layout to be considered at this stage. I have therefore dealt with the appeal on this basis.
3. The Council adopted the Calderdale Local Plan (CLP) on 22 March 2023. As a result, the policy that is cited in the reasons for refusal on the Council's decision notice has been superseded CLP Policy BT4. The Council has referred to Policy BT4 of the emerging Local Plan (Emerging Plan) in its statement of case, which the appellant has seen, and sets out that at that point in time, the Emerging Plan had reached a stage where significant weight could be given to its policies. The adopted version is not materially different insofar as it is relevant to the main issue of this case. I have therefore determined the appeal on the basis of the development plan (CLP).
4. In its decision notice, the Council has referred to paragraph 109 of the Framework. However, this relates to recognising the importance of providing adequate overnight lorry parking facilities. As such, this is not relevant, and I have not referred to it in my assessment of this appeal.

Main Issue

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

Reasons

6. The proposed development would be accessed via an existing access point that is situated in between 75A and 81 Upper Lane. This is a narrow, unlit single-track road, with no footway, that serves 2 dwellings, in a residential area.

7. Upper Lane is also a narrow highway with a 20mph speed limit, and a footway of limited width on its western side, with no on-street parking restrictions near to the access road junction. My site observations, which took place on a mid-morning weekday, also confirmed that Upper Lane is a well-used route for pedestrians.
8. No visibility splays have been provided by either main party, however it is uncontested that the visibility distances at the junction of the access road with Upper Lane are significantly below the recommended stopping sight distances in 'Manual for Streets' (2007) and 'Manual for Streets 2' (2010). On my site visit I noted that construction works appeared to be taking place on the side boundary wall of No 81. However, there is no evidence before me to suggest that the appellant has control over the height of this, or obstructions to the splays including in-curtilage parked cars and vegetation.
9. At the time of my site visit there was little on-street parking on Upper Lane in the vicinity of the junction with the access road. Nonetheless, I recognise that this may have been a snapshot in time, and I am mindful of the representations that have been received from local residents, and the observations of the Inspector in the previous appeal decision¹, which suggest that on-street parking already causes problems in regard to visibility splays. In the absence of any substantive evidence to the contrary, I have no reason to doubt that this situation would be likely to be intensified in the evenings and weekends, when residents are more likely to be at home. This would further obscure visibility.
10. The narrowness of the access road does also not allow 2 vehicles travelling in opposite directions to pass at the junction, which inevitably leads to reversing manoeuvres to allow the other car to pass and/or vehicles waiting in the highway, potentially causing an obstruction to traffic here.
11. In the previous appeal¹ the Inspector considered it to be highly unlikely that a driver exiting the access road in a forward direction would have a full view of the road until after the vehicle has manoeuvred onto the footpath and then into the road. It was stated that a driver is unlikely to have a full view of the footpath until after the bonnet of the car has left the access road and manoeuvred onto it, presenting a risk to pedestrians, especially small children. Due to the narrow length and width of the access road and the position of the proposed passing place visibility was considered to be even more difficult if reversing out of the access road onto Upper Lane. Whilst pedestrians may be aware of the existing access road, there is little evidence before me to demonstrate that the same risks would not pertain to the current scheme.
12. These manoeuvres would therefore interrupt the free flow of traffic and pose a very serious risk to the safety of highway users. The lack of street lighting and a footway on the access road is also not ideal for pedestrians accessing the site from Upper Lane who are vulnerable to any cars navigating this access at the same time. As such, the widening of the southern end of the access road and the retention of the passing place and turning head would not be sufficient to address the conflict between vehicles, cyclists, and pedestrians arising from the increased traffic which would be using this lane.

¹ APP/A4710/W/21/3270726

13. I accept that Upper Lane is not a busy road and that some cars already have to reverse out of their driveways onto this highway. The speed of vehicles along here is generally low and there is no accident history associated with the existing access road or Upper Lane. Nevertheless, this does not change the situation with the access, and whilst only one dwelling is proposed this would still increase its use which in turn would increase the highway risks associated with it. In reaching my findings, I am also mindful of the Council's undisputed view that No 77 has permission to form a 6-bedroom dwelling with a 3 space garage, and the likely amount of vehicles movements that would be associated with it.
14. On the basis of the evidence before me, and in light of the combination of factors above, I therefore find that the proposed development would have an unacceptably harmful effect on highway safety. As such, it would conflict with CLP Policy BT4 which, amongst other matters, seeks to ensure the safe and free flow of traffic in the interests of highway safety. Paragraph 111 of the Framework also indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. I have found this to be the case in this instance.

Other Matters

15. At the time of determining the application, the Council could not demonstrate a 5-year deliverable supply of housing land, with both main parties identifying a 2-year supply, which represents a substantial shortfall. However, the adoption of the CLP now means that the Council can demonstrate a 5-year housing land supply. On this basis, and in the absence of any evidence to the contrary, policies for the supply of housing are therefore up to date.
16. It is not disputed that the proposal would be located in a Primary Residential Area and in an accessible location, within walking distance of a number of local services and public transport. It would also generate some economic activity during the construction and provide a home to occupiers who would spend and contribute to the local economy. Furthermore, I am mindful that the Government is seeking to significantly boost the supply of housing and that Paragraph 69 of the Framework recognises that small sites such as this one can make an important contribution to meeting the housing requirement of an area. However, given that the proposal is for only 1 dwelling any benefits in these respects would be contextually somewhat limited. As such, even if I were to conclude that there is a shortfall in the 5-year housing land, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
17. Reference has also been made to other planning applications and appeal decisions². However, I have no substantive evidence as to the manner in which those planning applications were assessed as being acceptable. On the evidence presented I also cannot be certain that APP/A4710/W/20/3249928 represents a direct parallel to the appeal proposal.
18. Furthermore, my findings in relation to APP/A4710/W/22/3292000 were on the basis of a pedestrian traffic island on the A58 and the intervisibility along Holly Bank Drive combining with the turning head to reduce the potential for conflict with highway users and ensuring that the free flow of traffic would not be

² 18/01274/ful, 14/00604/ful, APP/A4710/W/20/3249928, APP/A4710/W/22/3292000, APP/A4710/W/18/3214566.

interrupted. I also appreciate that, in the context of a 2-year deliverable housing land supply, a proposed dwelling was found to provide the benefit of a new home, which weighed in favour of the proposed development in APP/A4710/W/18/3214566. However, in that case, the Inspector found there to be no harm in respect of the main issues of the appeal which included highway safety. Moreover, as previously noted, the Council can now demonstrate a 5-year housing land supply.

19. Accordingly, I am unable to conclude that the circumstances of these planning permissions and appeal decisions are directly comparable with those which apply in this appeal. I have, in any case, determined this appeal based on its own merits.

Conclusion

20. The appeal scheme consequently conflicts with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR