



Appeal Decision

Site visit made on 17 July 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22ND August 2023

Appeal Ref: APP/A4710/23/3318570

8 Rochdale Road Triangle Sowerby Bridge West Yorkshire HX6 3BL

- 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 Gavin Pettifor against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/01190/HSE, dated 30 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is for the excavation of ground for parking area with decking above.
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Decision

1. The appeal is allowed and planning permission is granted for the excavation of ground for a parking area with decking above at 8 Rochdale Road, Triangle, Sowerby Bridge, Halifax HX6 3BL in accordance with the terms of the application, Ref 22/01190/HSE, dated 30 October 2022, and the plans submitted with it, 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: Location Plan, Plan No 22022-10-REV 0 and Plan No 1931-22-002- REV D.
 - 3) Prior to first being brought into use the parking and turning facilities as identified on the plans No 1931-22-002 REV D and No 22022-10-REV 0 shall be constructed and surfaced using permeable surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. The drainage arrangements shall thereafter be retained for this purpose and the parking and turning facilities shall thereafter be kept available at all times for those purposes.

Procedural Matters

2. The Council adopted the Calderdale Local Plan (CLP) on the 23 March 2023. As a result the policy cited in the reasons for refusal on the Council's decision notice has been superseded by Policy BT4 within the CLP. The appellant has had the opportunity to comment upon its relevance and accordingly no parties have been prejudiced. I must determine the appeal on the basis of the current Development Plan.

3. The appeal proposal is for the construction of timber decking and the excavation of ground and creation of a parking area to the side of No 8 Rochdale Road from the highway. The Council have not raised any concerns with regard to the timber decking, their concern limited to direct access to the parking area being taken from a classified road. I have accordingly dealt with the appeal on this basis.

Main Issue

4. The main issue in this appeal is the effect of the development on highway safety.

Reasons

5. The appeal property, No 8 Rochdale Road, (No 8) is a three storey end of terrace property with an adjacent side garden which fronts Rochdale Road. Rochdale Road is a classified road (A58) and also a bus route, subject to a 30mph speed limit in this location. On my site visit I observed a steady flow of vehicles, including buses and HGVs. Opposite to No 8 is a petrol station which has an in/out access arrangement. Parking is unrestricted on either side of the road and at the time of my visit, cars were parked in front of the properties along Rochdale Road, with some cars partly parked on the footway. The on street parking, creating a partial obstruction for two way traffic, and turning movements to and from the petrol station caused vehicles to slow down and/or stop when passing.
6. The proposal is a revised scheme designed to overcome objections raised by the Council on a previous application¹. There is no dispute that the recommended visibility splays cannot be met at the site as they would extend over land which the appellant has no control over. However the scheme has been designed to accommodate manoeuvring movements within the site and sufficient space would be provided within the plot for the parking of an estate sized vehicle and to allow it to reverse within the site and leave in a forward gear.
7. The Council express concerns that if a second vehicle is parked within the car parking area that the dimensions are such that a reversing manoeuvre directly onto the highway would be required. I acknowledge that should this circumstance occur, this would not be ideal, however the number of such movements would be likely to be limited. In addition, the access/egress arrangement of the petrol station and the level of on street parking is such that drivers are likely to be relatively alert to the potential for vehicles to slow down, stop and/or undertake turning movements into and from the petrol station. Drivers of vehicles are therefore likely to be alert to vehicle movements and to take extra care in this location.
8. There are a number of other examples of parking in front gardens with accesses directly onto this part of Rochdale Road, some with comparable visibility splays as to that proposed or without sufficient space for a vehicle to turn within the site. Whilst each proposal for parking falls to be considered on its own merits, the existence of these types of parking arrangements means that vehicle movements whether forward using comparable visibility splays or reversing, already occur in the immediate location. Nor is there any evidence

¹ 22/00083/HSE

before me that these accesses, some of which have received consent, have been prejudicial to highway safety.

9. Pedestrian visibility splays of 2m x 2m would be provided for within the scheme which I consider would be adequate for pedestrians using the footway taking into account that vehicular accesses on this stretch of Rochdale Road are a common feature which would be readily anticipated by pedestrians. I note too the Council's concern about the absence of a passing place. However given the access would only serve one dwelling this does not in my view make the scheme unacceptable. Further the provision of off street parking in this location enabling freer flow of traffic on the classified road would be a positive factor in favour of the scheme.
10. In the absence of evidence that road safety issues or that problems of traffic flow would occur as a result of visibility splays below the 43m standard I find that an acceptable access to the site can be achieved and that the proposal would not have a severe impact on the road network. It follows that the proposal would comply with Policy BT4 of the CLP which, amongst other things, requires the layout of accesses to ensure the safe and free flow of traffic in the interests of highway safety.

Conditions

11. Conditions in respect of timescales and specifying the approved plans are required as this provides certainty. A condition regarding the satisfactory construction and retention of the parking and turning facilities are necessary to ensure satisfactory drainage of the site and highway safety.

Conclusion

12. For the reasons given, I hereby allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR