
Appeal Decision

Site visit made on 28 October 2023

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.11.2023

Appeal Ref: APP/A1015/D/23/3328506

192 Old Road, Chesterfield, Derbyshire S40 3Q

- 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 Richard Ogle against the decision of Chesterfield Borough Council.
 - The application Ref CHE/23/00167/FUL, dated 6 March 2023, was refused by notice dated 6 June 2023.
 - The development proposed is construction of hardstanding drive, accessed via Old Road by removing part of garden wall.
-

Decision

1. The appeal is dismissed.

Reasons

2. It is proposed to create a new vehicular access onto the B6150 Old Road from the appellant's front garden. The property is at the corner of Old Road and Heaton Street and is at the end of a row of terraced properties. Old Road is a busy classified road with double yellow lines around the corners of the junction and a single yellow line on the opposite side of the road. On-street parking is available on both roads.
3. In my judgement, a vehicle crossover onto a classified road at the junction of Old Road and Heaton Street, where visibility is already restricted by vehicles parked on both adjacent roads, would bring vehicles and pedestrians into conflict. Such conflict would be exacerbated by vehicles reversing off the appeal frontage. There is no technical evidence to demonstrate that a turning circle could be achieved to enable vehicles to enter and exit in forward gear.
4. This view is supported by the Highways Authority which objects to the proposal on highway safety grounds. Furthermore, the appellant also appears to acknowledge these concerns in his comment that vehicles reversing from the frontages of 178-184 (odd) are 'causing an issue for traffic on Old Road'.
5. Vehicles are parked on some nearby paved frontages. However, they do not have a dropped kerb access to the road. The Council confirms that planning permission for such works would be unlikely to be forthcoming. This is supported by a history of refusals of planning permission for other vehicular crossings on Old Road. The degree of driver visibility available due to the corner, end of terrace location of the appeal property does not outweigh the identified safety concerns.

6. I conclude that the creation of a new vehicular access to Old Road would introduce traffic movements to and from the public highway at a point close to a junction, thereby leading to danger and inconvenience to other highway users. Furthermore, there would be insufficient space within the site to enable the safe manoeuvring of vehicles, resulting in reversing onto or off a classified road, which would be detrimental to highway safety. The proposal is therefore contrary to the provisions of Chesterfield Borough Local Plan Policies CLP20 and CLP22 which, in summary and of relevance to this appeal, require developments to provide adequate and safe vehicle access and parking.
7. For the foregoing reasons, the appeal is dismissed.

Elaine Benson

INSPECTOR