



Appeal Decision

Site visit made on 9 January 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

Appeal Ref: APP/P4415/W/23/3322498

The Hawthornes, Moat Lane, Wickersley, Rotherham S66 1DZ

- 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 D Robson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0038, dated 6 January 2023, was refused by notice dated 13 March 2023.
 - The development proposed is new dwelling and alterations to existing shared access.
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Decision

1. The appeal is allowed, and planning permission is granted for a dwelling and alterations to existing shared access at The Hawthornes, Moat Lane, Wickersley, Rotherham, S66 1DZ in accordance with the terms of the application, Ref RB2023/0038, dated 6 January 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the main issue below is considered. References in the decision are to the December 2023 Framework.
3. The address in the banner heading is taken from the application form. However, the submitted plans describe the residential property as 'The Hawthornes', which tallies with what I saw during my site visit.

Main Issue

4. The main issue is the effect of the proposal on the safe use of the highway for vehicles and pedestrians.

Reasons

5. The appeal site comprises part of the garden and driveway of the residential property at The Hawthornes. The site would be accessed along a private road off Moat Lane, which currently serves The Hawthornes and three other dwellings.
6. For around its first 30 metres, the private road is only wide enough for a single vehicle to pass. At this point, the private road is constrained by a low boundary wall and a line of trees/hedge. The appellant's evidence identifies the width of the private road at this point as around 3.6 metres. The Council considers it to be approximately 3.05 metres wide at the mid-point. The 2011 South Yorkshire Residential Design Guide (the SYRDG) advises that private drives should have

a minimum width of 3.1 metres. Based on the appellant's figures, the private road would meet this guidance.

7. The SYRDG goes on to advise that widening may be needed at the entrance to a private drive to allow two cars to pass, depending on the nature of the street from which access is taken. Such widening will need to be between 4.5 metres and 4.8 metres for a minimum length of 10 metres. The entrance to the private road is located on a bend on Moat Lane. Nevertheless, I observed that there is visibility for a reasonable length in both directions along Moat Lane when on the private road. In my judgement, a driver waiting to exit the private road would have sufficient visibility to see an approaching vehicle before entering Moat Lane. When approaching the junction of the private road along Moat Lane, a vehicle waiting on the private road would be visible for a reasonable distance.
8. Manual for Streets states that road widths between 2.75 and 3.25 metres should be avoided in most cases, since they could result in drivers trying to squeeze past cyclists. I acknowledge the Council's point that this would also be relevant for pedestrians. It would not take long for a pedestrian to walk the 30 metres or so of the narrower part of the private road. Given the likely small increase in vehicle and pedestrian movements associated with one additional dwelling, in my judgement, the likelihood of a pedestrian encountering a vehicle on the narrow stretch of the private road would remain very low. In addition, vehicle speeds would reasonably be expected to be low due to the nature of the private road.
9. From the drive of the proposed dwelling there would be a clear view down the narrower stretch of the private road to where it meets Moat Lane. Any pedestrian or vehicle on the private road would therefore be clearly visible to the driver prior to entering the narrower stretch.
10. If two vehicles were to meet on the narrower part of the private road, some manoeuvring would be required. However, if this situation were to occur, it would be unlikely that the driver entering the private road from Moat Lane would reverse back onto the highway. It would be a simpler manoeuvre for the driver exiting the private road to reverse to its wider part. In any event, in my judgement, the likelihood of this scenario occurring would be low given that the additional vehicles generated by one dwelling would likely be small.
11. For these reasons, I am not persuaded that the proposal would increase the potential for vehicle and pedestrian conflict such that two-way access along the private road would be required.
12. The appellant proposes a passing place adjacent to the entrance point of the private road. The SYRDG sets out that for private drives, passing places of a minimum width of 4.5 metres and minimum length of 6 metres may be required depending on the length of the private drive, at the discretion of the Highway Authority. The Council's evidence highlights that, due to the limited length of the space proposed, a vehicle would not be able to manoeuvre into it without reversing back either into the carriageway or footway. From my site visit observations, I would agree with this view. In addition, there is no clear evidence before me that the appellant would have control over the area to ensure that the passing place is deliverable. Nevertheless, for the reasons outlined above, I do not consider that a passing place would be required in this case.

13. The Council is concerned that the proposed dwelling would be located on the existing manoeuvring facility with no suitable replacement. However, the submitted plans show that an area in front of the dwelling would be maintained. In addition, space on the opposite side of the private road from the proposed dwelling is within the application boundary. Accordingly, I am satisfied that sufficient space would be available within the site for a manoeuvring area so that delivery/service vehicles would be able to turn without having to undertake long complicated manoeuvres back onto Moat Lane.
14. On this basis, I conclude that the proposal would not have an unacceptable impact on the safe use of the highway for vehicles and pedestrians. Accordingly, it would not conflict with the highway safety requirements of chapter 9 of the Framework or the SYRDG.

Conditions

15. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
16. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
17. Details of the surface water drainage are necessary to ensure that suitable systems are provided. A tree protection plan is necessary to ensure the protection of trees on the site during construction works. These conditions are required pre-commencement to ensure that the relevant details are acceptable and compliance with the requirements at a later time could result in unacceptable harm.
18. In the interests of highway safety, a condition is necessary to secure details of the vehicle turning space. To ensure that surface water can be adequately drained, a condition is necessary to require appropriate surfacing and a water retention/collection/discharge system for the areas to be used by vehicles. In the interests of the character and appearance of the area, conditions are necessary to require details of the materials to be used in the construction of the external surfaces of the development, the boundary treatments, and a landscaping scheme.
19. I have not included the Council's suggested condition requiring details of an electric vehicle charge point. This is because the Building Regulations include such a requirement, and the Planning Practice Guidance sets out that conditions requiring compliance with other regulatory requirements such as Building Regulations will not meet the test of necessity and may not be relevant to planning.

Conclusion

20. For the reasons given, I conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR

SCHEDULE OF 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: CS/04626/3; 21-005-3; 21-005-4.
- 3) Prior to the commencement of development, a tree protection plan, to minimum scale of 1:200 in accordance with BS5837 or its replacement, detailing all methods of protection including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent and temporary hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site during the construction of the development hereby permitted.
- 4) Prior to the commencement of development, details of the surface water and all related works necessary to drain the site shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out concurrently with the development and the approved drainage system shall be operating prior to the first occupation of the development and shall be retained thereafter.
- 5) No above ground development shall take place until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples and shall be retained thereafter.
- 6) No above ground development shall take place until a plan indicating the positions, design, materials, and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the first occupation of the development and shall be retained thereafter.
- 7) No above ground development shall take place until detailed plans showing a vehicular turning space for a fire appliance size vehicle to be provided within the site curtilage has been submitted to and approved in writing by the Local Planning Authority. The approved vehicular turning space shall be provided on site prior to the first occupation of the development and shall be retained thereafter.
- 8) Prior to the first occupation of the development, a tree planting scheme, including tree size and species as well as specification of planting pits, timetable for planting, and five years post planting maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site in accordance with the approved timescale.
- 9) Prior to the first occupation of the development, that part of the site to be used by vehicles shall be constructed with either:

- a. a permeable surface and associated water retention/collection drainage;
or
- b. an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site,

which shall thereafter be retained and maintained in a working condition.