



Appeal Decision

Site visit made on 31 January 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12.02.2024

Appeal Ref: APP/M0655/W/23/3324916

5 West Hyde, Lymm, Warrington WA13 0HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Peatfield against Warrington Borough Council.
 - The application Ref 2023/00304/FULH, is dated 7 March 2023.
 - The development proposed is partially retrospective application for proposed hard landscaping scheme and associated infrastructure on land within and adjacent to site.
-

Decision

1. The appeal is dismissed and planning permission for partially retrospective application for proposed hard landscaping scheme and associated infrastructure on land within and adjacent to site is refused.

Preliminary Matter

2. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council has provided a statement explaining the reasons why it would have refused planning permission, had it been able to do so. The main issues reflect the putative reasons for refusal set out within the Council's statement. The planning application was made part retrospectively and I observed on my site visit that an area of York Stone paving has been laid. The appeal has therefore been determined on this basis.

Main Issues

3. The main issues in this case are the effect of the proposals on highway safety and residential amenity; and the character and appearance of the streetscene.

Reasons

Highway safety and residential amenity

4. No.5 West Hyde (No.5) is a two-storey semi-detached dwelling sited at the end of West Hyde, a short residential cul-de-sac accessed from Daisy Bank Road. No.5 has a broadly L-shaped plan form, with a gable facing the road, which creates a short driveway to the front of the dwelling. This area and a section (around the width of a car) to the front of the gable has been resurfaced with York Stone paving slabs. It is proposed to further resurface the area of adopted

highway that extends across the full frontage of No.5 up to the detached garage of No.5's semi-detached neighbour, at No.7 West Hyde (No.7).

5. I observed on my site visit that West Hyde is single carriageway, constrained in its width, and has a limited turning head (that turns 90 degrees) at its end. The Council's Transport Development Control team, in their consultation response, recognise that the area of adopted highway (subject of this appeal) does not meet the required standards to provide a formal turning head and the appellant's swept path assessment demonstrates that it is very difficult for a vehicle (but particularly any vehicle larger than a car) to turn within the extent of the adopted highway.
6. However, I observed that this part of the highway does provide valuable space for road users to manoeuvre at the end of the cul-de-sac without significantly overrunning the private driveways of other dwellings, notably No.5 itself and the Bridgewater Apartment, to the west of No.5. It further provides sufficient space for the occupiers of this apartment to reverse from the their forecourt car parking spaces and for access to be gained to the garage of No.7. The existing surface of the adopted highway is tarmac and its public purpose is clear. The resurfacing of the highway to the front of No.5 would give the appearance that this area is no longer publicly accessible. Indeed, it is the intention of the appellant to seek to stop-up this section of the adopted highway under s247 of the Town and Country Planning Act 1990 (as amended) should planning permission be granted.
7. Whilst it is accepted that some road users would inevitably still use the resurfaced area to manoeuvre, others would not, and the proposal would therefore increase the propensity for vehicles to reverse the length of West Hyde, and onto Daisy Bank Road. Whilst Daisy Bank Road is restricted to a 20mph speed limit, visibility at its junction is itself relatively constrained (notably, I observed, by cars parked on the street to the west) and this would result in conflict between reversing cars and users of Daisy Bank Road, such that it would impact on road safety. Further, the reduction in the effective functioning and utility of the cul-de-sac would result in inconvenience, and potentially conflict between vehicle movements, to the detriment of the amenity of other residents on West Hyde.
8. I therefore find on the first main issue that the proposal would cause harm to highway safety and residential amenity. Consequently, it would conflict with policies INF1, DC6 and ENV8 of the Warrington Local Plan 2021/22-2038/39 (2023) (LP) because it would fail to deliver the Council's objective of improving the safety and efficiency of the transport network, would not positively contribute to the public realm or protect existing occupiers. I do not find LP Policy DC3 to be applicable in this case because it relates only to development proposals affecting green infrastructure.

Character and appearance

9. The surface along the length of West Hyde is tarmac, which is typical of adopted highway. The private forecourt parking and short driveways of dwellings fronting West Hyde are delineated by a change in surface material, predominantly block paving with a kerb detail. From the photographs provided in the evidence, the tarmac surface originally extended up to No.5, such that there was no clear differentiation between adopted highway and private driveway. The York Stone paving that has already been laid to the front of No.5

makes this differentiation clear, but I share the concerns of the Council regarding the quality of the interface between this stone and the tarmac and the construction tie-ins already appear degraded. I do, however, accept that this detail could be controlled by a suitably worded planning condition should the proposals be found acceptable in all other regards.

10. Because of its siting right at the head of the cul-de-sac, the driveway of No.5 is particularly prominent, and I found the York Stone paving to be odds with the predominant surface material of other driveways on West Hyde, appearing an incongruous addition. The proposal to resurface the tarmac highway, extending the York Stone paving to the front of No.5, such that it aligns with detached garage adjacent Bridgewater Apartment, would give the appearance of a larger private driveway, increasing its prominence to the detriment of the character and cohesion of the cul-de-sac.
11. I therefore conclude on the second main issue that the proposal would cause harm to the character and appearance of the streetscene. It would conflict with LP Policy DC6 because it does not represent good design, respect, sustain or make a contribution to local character or the public realm.

Other Matters

12. I have had careful regard to the evidence that the appellant has experienced some surface water flooding issues as a result of water inundating the highway gullies at the end of the cul-de-sac. Despite the description of development referring to '*associated infrastructure*' I do not, however, have any information before me as to how the area of York Stone paving (itself an impervious material) would be drained, or that resurfacing is the only way to satisfactorily resolve the flooding issue. Therefore, in this case, this matter does not outweigh the harm that I have identified above, notably in respect of highway safety and residential amenity.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

R. Jones

INSPECTOR