



Appeal Decision

Site visit made on 20 February 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/C4235/D/23/3328833

320 A Wellington Road North, Heaton Chapel, Stockport, SK4 5BT

- 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 Miss Ruth Ireland against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/088559, dated 28 April 2023 was refused by notice dated 27 July 2023.
 - The development proposed is described as the "Demolition of existing wall fronting the highway and replacement with a new 6ft high brick wall with wrought iron railing, pedestrian gate and vehicle gate infill between pillars. Lower wall sections to receive decorative brick bonds under coping stones and pillars to also be finished with decorative sandstone coping. Existing fence along the boundary with 320 Wellington Road to butt up to new brick piers and 3ft fence panel / posts to be replaced with new 6ft fence panels/posts. New brick pillar adjacent to 318 Wellington Road to butt up to the end of the wall that runs along the boundary."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on highway safety and on the natural environment.

Reasons

Highway safety

3. Wellington Road North is a classified road, the A6, and carries around twenty-thousand vehicles per-day through Stockport. It is clearly well-used, carrying an obviously significant amount of traffic even during non-peak hours. The presence of bus, taxi and cycle lanes, in operation during long morning and afternoon periods further highlights how busy the road is.
4. The appellant suggests that even if they were to move their gates further back as suggested by the Council, larger vehicles may still temporarily obstruct the highway when waiting to open the gates. I accept this. Such disruption would however be infrequent when compared to the day-to-day comings-and-goings of the occupiers. As such, it is to my mind entirely appropriate to ensure that there is sufficient space for a car to stop short of the gates, but off the highway to operate the gates, particularly given the amount of traffic on the road.

5. Whilst I acknowledge the case put by the appellant, the position of the Highway Authority is clear, in that a situation where vehicles stop on the highway is unacceptable and would put the safety and operation of the A6 and its users at risk. There is nothing in the evidence before me which suggests that the proposal would not give rise to such risk. In particular, I cannot be certain that vehicles accessing the site would cross the footway at an angle to clear the highway as shown on the plans. I acknowledge the intention to use electric gates, but do not consider that their use could appropriately be controlled or enforced through the use of planning conditions, such that it would overcome my concerns and those of the Highway Authority.
6. Whilst the appellant has noted that the distance from the road to the gate sought by the Highway Authority is not set down in policy, it is clearly based on technical reasoning and a legitimately held concern over highway safety. Highway safety effects do find expression in the development plan, with policy seeking to avoid development with any adverse impact on safety, and that development provides safe, practical and well-designed access arrangements. I cannot be sure that the appeal proposal does all of this.
7. I note the gates on other driveways nearby referred to by the appellant. Consistency in the planning process is important and like cases should be decided in a like manner, however, I do not have information before me to know how, when or why those driveway arrangements came into being. Given that those driveways and gates also have a different relationship to junctions and the surrounding highway, I also have not been presented with sufficient evidence to show that their existence should alter my conclusions on this proposal.
8. As such, I find that the proposal would cause harm to highway safety and would therefore conflict with Policy T-3 of the Stockport Core Strategy DPD, March 2011 (the Core Strategy) and national policy in the National Planning Policy Framework (the Framework) which seeks to ensure highway safety in the promotion of sustainable transport.

Natural environment

9. Following the Council's decision on the application, the appellant removed the trees and hedging on their site to which the second reason for refusal referred. However, it is clear from the comments of the Council's Senior Arboriculture and Habitat Officer that their concerns also relate to trees on the neighbouring site. As such, this matter remains a main issue in this appeal. Although the loss of trees on the site can no longer be prevented, it appears that the issue of the effect of the proposal on trees in neighbouring properties could be addressed and mitigated against through the imposition of conditions.
10. As such, although the uncontrolled loss of the trees and hedging on the site will undoubtedly have caused some harm to the natural environment, it appears that the effect of the development on what remains could be controlled such that it would not cause further harm. In that respect the proposal would not conflict with policies CS-8, SIE-1 and SIE-3 of the Core Strategy, or saved policies NE1.1, NE1.2 and NE1.3 of Stockport's Unitary Development Plan adopted May 2006. These seek, amongst other things, to protect the natural environment and biodiversity.

Other Matters

11. The appellant has set out the need for the proposal on the grounds of safety, security and privacy. I do not seek to suggest that any of these factors are not material to my decision, or that they are unimportant. However, I am not persuaded that the appeal proposal is the only way to achieve them. In this, I also note that the local planning authority did suggest further amendments to the proposal which could address their concerns.

Conclusion

12. For the reasons given above I conclude that the proposal conflicts with the development plan with regard to its effect on highway safety. Whilst it could be acceptable with regard to the natural environment, I find that the highway safety harm is so significant that it is not outweighed. There are no other material considerations of such weight to indicate that a decision be taken other than in accordance with the development plan.
13. The appeal should therefore be dismissed.

S Dean

INSPECTOR