



Appeal Decision

Site visit made on 4 March 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal Ref: APP/A4710/D/23/3332960

The Woodlands, Wade House Road, Shelf, Halifax, Calderdale HX3 7NT

- 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 Mark Holt against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00862/HSE.
 - The development proposed is to install a vehicle crossing dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.

Main Issues

3. The main issues are the effect of the proposed development on:
 - Highway safety;
 - The character and appearance of the surrounding area; and
 - Flood risk.

Reasons

4. The development is described on the application form, and decision notice, as to install a vehicle crossing dropped kerb. The Council sets out that the development would include the removal of part of the boundary wall to the front of the property. However, based on the evidence presented, whilst in order to access the site a gap in the wall would be required, this does not form part of the development proposed and is not reflected in the drawing. There was also an existing gap in the wall when I visited the site. For the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plan before me and description of development provided.

Highway Safety

5. Wade House Road is a major and strategic road carrying a high volume of traffic. There is an existing driveway nearby, which is used daily. Whilst the development proposed does not include a driveway, a vehicle crossing dropped kerb would facilitate vehicular access to the site. The Council's highways officer's consultation response sets out the required visibility splays in this location. Given the characteristics of the road, vehicles would need to enter and leave the site in a forward gear.
6. The appellant sets out the time scales for the visibility of vehicles. They consider that the visibility splays would exceed that required, however they have not provided any robust evidence, including a drawing, to demonstrate that to be the case. They also state that they would be happy to reduce the height of the wall to improve vision and could set back any gates to a requested distance. Nevertheless, the development before me only relates to kerb works.
7. Insufficient substantive evidence has been provided to demonstrate that the visibility splays would be adequate or that access and egress could be achieved in a forward gear. Without safe visibility splays and considering the characteristics of the road, the proposal would facilitate dangerous vehicular movements which would have a detrimental impact on highway and pedestrian safety. Consequently, the kerb works would not ensure the safe and free flow of traffic in the interest of highway safety.
8. For these reasons, the proposed development would have an unacceptable effect on highway safety. Accordingly, it would conflict with Policy BT4 of the Calderdale Local Plan 2018/19 – 2032/33 (2023) (LP) which states that the design and layout of accesses should ensure the safe and free flow of traffic in the interest of highway safety.

Character and Appearance

9. The Woodlands is a two-storey dwelling which benefits from two existing access points. The stone, boundary wall to the front of the appeal site makes a positive contribution to the area, and I observed on my site visit that part of the boundary wall had been demolished.
10. The proposed development does not propose to demolish part of the boundary wall to create an opening. Vehicular crossing dropped kerbs are evident within the street scene. The introduction of a vehicle crossing dropped kerb would respect the character and appearance of the area.
11. For these reasons, the proposed development would not cause harm to the character and appearance of the area. Consequently, it would comply with Policies BT1 and GN4 of the LP. These state, amongst other things, that the design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness. It would also comply with chapters 12 and 15 of the Framework which seek to achieve well-designed and beautiful places, and conserve and enhance the natural environment.

Flood Risk

12. The appeal site is within a critical drainage area. In such locations, Policy CC2 of the LP sets out that a site-specific Flood Risk Assessment should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overflow routes.
13. The proposed development does not include the removal of the boundary wall. I am satisfied that the kerb works would be acceptable in terms of surface water runoff and flood risk. Consequently, given the nature of the works, the proposal would comply with the aims of Policy CC2 of the LP which seeks to manage flood risk.

Other Matters

14. The appellant highlights that the Council has not worked with them to discuss an alternative scheme. However, this matter does not outweigh the harm I have found.

Conclusion

15. I have found that the proposed development would not cause harm to the character and appearance of the area and would be acceptable in terms of flood risk. However, it would have an unacceptable effect on highway safety, to which I attach significant weight. The other matters raised would not outweigh the harm I have found.
16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR