



Appeal Decision

Site visit made on 20 February 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/A2335/W/23/3332162

Willowdene, Shore Road, Silverdale LA5 0TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for full planning permission.
- The appeal is made by Ms Sue Crossley against Lancaster City Council.
- The application Ref is 23/00695/FUL.
- The development proposed is construction of new access and dropped kerb and rebuilding of boundary wall.

Decision

1. The appeal is allowed, and planning permission is granted for construction of new access and dropped kerb and rebuilding of boundary wall at Willowdene, Shore Road, Silverdale LA5 0TP in accordance with the terms of the application, Ref 23/00695/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. 2812/000Pa; General Arrangement Drawing No. 2812/011 Rev Pa.

Procedural Matter

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. There is no decision notice associated with the application. The main issue below has therefore been taken from the Councils' Statement of Case and I note correspondence from the Highways Development Control Team of Lancashire County Council regarding their concerns as well as third party representations.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site relates to a single storey detached dwelling known as Willowdene which is located to the western edge of Silverdale to the northern side of Shore Road. There is a stone boundary wall located to the front of the property with a gated entrance between which allows for vehicle access to and from Shore Road via a narrow gap in the wall and there is a footpath running across the front of the site. The proposed development seeks to relocate the existing entrance and dropped kerb further west and rebuild the boundary wall. It would also provide a separate pedestrian entrance to the east.

5. Visibility at the site access is restricted particularly to the west which is due to the alignment of the road and the existing boundary wall which rises upwards towards the site access given the topography of the land.
6. At my site visit, I observed the movements of vehicles along the road and while only a snapshot in time, I saw that the road had low levels of vehicle movements and the few vehicles passing the site were travelling at a relatively low speed. That said, upon exiting the site, there is still limited ability to see vehicle movements along the highway particularly those approaching from a westerly direction where a level of caution would be needed.
7. Shore Road is subject to a 20 miles per hour speed limit and would require visibility splays set 2 metres back from the centre line of the access and extending 24 metres along the nearside carriageway edge in both directions. Whilst the required visibility splay cannot be achieved, I observed onsite that a greater level of visibility at the proposed access point was apparent compared to that of the existing entrance despite being located closer to the bend in the road. This is largely due to the topography of the land with the boundary wall sloping downwards in this location and I note that the boundary wall would be lowered to match that of the adjacent boundary associated with the property known as Heron Chase. The entrance would also be widened, and the height of shrubbery would be reduced. Such factors would collectively be an improvement on the existing arrangements at the site as shown on the existing and proposed visibility splay plans submitted. This, together with the vehicle speeds which are already low given the residential setting and imposed speed limit along with Shore Road holding a good road safety record with no injury collisions recorded in the last 5 years, then I am sufficiently persuaded that the proposed development would improve the existing visibility at the site including overall access and manoeuvring arrangements.
8. I note that walls within the sight line splays are required to have a maximum height of 0.9 metres above the height of the centre line of the adjacent carriageway to ensure the visibility of vehicles exiting the site. However, upon exiting the site at present, visibility is restricted by the boundary wall and the proposed development would still improve the existing arrangements by lowering the wall to meet with that of the adjacent boundary associated with Heron Chase as well as widening the entrance which would improve the overall visibility at the site for all road users. Additionally, vehicle movements upon exiting the driveway are also likely to be at a very low speed given the nature and overall constraints and there would still be a sufficient level of visibility for all road users to be able to stop without causing severe safety implications. The access arrangements would be located closer to Heron Chase including its boundary and whilst the appellant would have no control over any obstructions to the sight lines, there were no apparent obstructions at the time of my site visit, and I am not convinced that such situations would either occur or be so significant as to impede visibility when exiting the site.
9. I am aware of the suggestions made regarding improvements to the internal arrangements utilising the existing access and improvements to visibility by lowering the wall. However, this would not alter my findings on the appeal I am considering and present circumstances.
10. For the reasons given above, I conclude that the proposed development would not unacceptably harm highway safety. As such, it would accord with Policy

DM29 of the Lancaster District Local Plan Part Two: Review of the Development Management DPD, 2020 and Policy AS10 of the Arnsdale & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document, 2019 which together, amongst other matters, expects new development to incorporate suitable and safe access to the existing highway network and ensure that highway safety and efficiency is maintained or improved. For the same reasons, the proposed development would also accord with chapter 9 of the National Planning Policy Framework relating to promoting sustainable transport particularly paragraph 115 which explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

11. The site lies within the Arnsdale & Silverdale National Landscape AONB. It is also located opposite the Grade II listed building, No. 19 and barn adjoining to west. As such, I have a duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given the nature of the works and separation distance from the listed building along with noting various boundary treatments/driveways in the area, I am satisfied that the proposed development would not harm the listed building or its setting. For the same reasons, it would also not be unduly harmful to the AONB.
12. I note third party comments regarding the layout of the parking spaces and suggestion to integrate parking spaces, entry platform and ramp as one element. In determining the scheme that is before me, I do not find the layout to be so contrived or harmful as to have a negative visual impact.
13. I am also aware of concerns relating to the stability of the boundary wall between Willowdene and Heron Chase and further deterioration as a result of the proposed works and other refurbishment works at the property. This would not however alter my findings in relation to the above main issue and the overall condition of the wall would be a private matter that would need to be discussed between the occupiers.

Conditions

14. I have attached conditions relating to the standard time for commencement of development as well as a plans condition which I find necessary in the interests of certainty. I note the Councils' reference to landscaping and planting although based on the nature of the scheme I am considering along with the main issue, I do not find it necessary to add a condition relating to landscaping in the particular circumstances of this appeal.

Conclusion

15. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR