



Appeal Decision

Site visit made on 18 March 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/E2001/D/24/3336248

Beulah House, 285 New Village Road, Cottingham, HU16 4NP

- 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 Richard Sage against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/00001/PLF, dated 2 January 2023, was refused by notice dated 12 October 2023.
 - The development proposed is described as 'Erection of railings on existing wall to property boundary to highway and installation of electric sliding gate to driveway entrance on same boundary'.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on highway safety. The development plan includes policy ENV1 (B.9) in the East Riding Local Plan 2012-2029 (adopted 2016) which seeks to ensure that proposals promote equality of safe access, movement and use. The more recent National Planning Policy Framework has a similar objective.
3. The appeal site is located within a suburban residential area. It is accessed from New Village Road and comprises a large, detached house set back from the road with a separate coach house that abuts the footway and has been previously converted to ancillary accommodation. There is a large, gravel driveway that currently provides parking for several vehicles with plenty of space for turning. The existing front boundary consists of a low wall with tall brick pillars either side of the wide, open access. The proposal includes railings that would be set between the existing pillars and an electric roller gate with a maximum height of 2.3m across the access that would be sited on the back edge of the footway which has a standard width of some 1.75m.
4. New Village Road is an unclassified road with a speed limit of 30mph which leads into the B1233 and access to/from the western side of Hull. Although the appellant disputes the Council's 2014 traffic survey results that showed close to 11,000 average daily vehicle movements along the road, at my visit during the middle part of a weekday afternoon, I noted that the road was very busy in both directions. The appeal site is located close to the junction and mini roundabout with Endyke Lane to the north. It can be seen in the approach from both directions along New Village Road but visibility from Endyke Lane is limited due to the siting of the coach house. On the opposite side of the road,

vehicles were slowing as they approached the roundabout in a northwards direction. In a southwards direction and from Endyke Lane vehicles were also slowing in the approach to the roundabout. However, the vehicles travelling past the site on the same side of the road had by then picked up some speed and whilst there were some brief gaps, were passing at a steady pace. There are bus stops on both sides of the road a short distance from the site.

5. The Council's Highways Officer has objected on the basis that the proposed electric gate would require any vehicle entering the site to park in front of the gate, overhanging the highway whilst waiting for it to open and advised that if set in by 6m from the edge of the carriageway, drivers would be able pull clear of the carriageway whilst waiting. I saw that the adjacent property to the south has a gate that is set in.
6. The appellant says that vehicles would be slowing down anyway to enter the site, that it would be only a slight additional wait and that the gate would be remotely controlled by Wi-Fi via a 'dial up' system with a fast opening time and could be opened well in advance of arrival. Planned visitors and delivery drivers could be provided with a temporary code or the gate left open. However, that argument assumes that all drivers entering the site would have access to Wi-Fi in advance or that visitors would have already arranged for the gate to be opened on to arrival which may not always be possible. I have not been provided with a specification but in my experience such gates take at least several seconds to open.
7. It is also maintained by the appellant that delivery vehicles would be very infrequent but that could change in the future with a change of occupier. He considers that those would park on the street. However, even though there are no parking restrictions in the vicinity, on street parking is limited given the speed and flow of traffic, the presence of the bus stops and other accesses and the proximity to the junction.
8. The appellant has referred to other examples of similarly sited gates in the area but I have insufficient evidence regarding the planning status of those sites or that they are directly comparable to this. I have noted that manual gated access providing access to Cottingham Bowling Club is situated nearby and within very close proximity to another roundabout. That may provide access to more vehicles than here but again I have no details of the planning status of that access. Those examples do not, therefore set a precedent for this appeal which I have determined on its own merits.
9. Whilst it may be that both commercial and domestic vehicles all sometimes disrupt the free flow of traffic as does the appellant when turning at present in busy traffic and that he says there are no reports of highway safety issues, it seems to me that the Council's stance in seeking to ensure safe access before such incidents occur and avoid worsening any existing disruption is valid.
10. The appellant also contends that if the gate were set back 6m then vehicles could not turn easily and would have to reverse in or out, causing more hazardous manoeuvres and more disruption to traffic flows and reducing the availability of parking on site. I have noted that drawing 397-1 Rev B submitted in support of that argument shows a reduced turning area with two gates opening into the site at 90° or more. Those take up more space than the proposal which is for a single sliding gate. I am not, therefore, persuaded that

given the size of the parking area there is not an acceptable alternative solution.

11. Although it may be possible to erect gates in the same position of 1m high or less without the need for planning permission that may have a similar impact, I have no compelling evidence that the appellant would be likely to do that given that he has accepted in email correspondence that whilst that would serve a purpose it would not look right in relation to the overall scheme as it would be dwarfed by the railings and wall. This fallback position does not, therefore, override the harm that would be caused by this proposal.
12. I find, therefore, that the proposed gate would mean that some drivers entering the access would have to wait for at least a few seconds, overhanging both the footway and the carriageway after turning from the road. This would cause disruption to the flow of traffic which drivers would not be expecting, particularly on turning left from Endyke Lane although I have noted that the appellant's consultants' road safety risk appraisal concluded that the proposal would present only a low risk in terms of shunt type collisions. However, it would also block the use of the footway for pedestrians and others such as wheelchair or mobility scooter users who may be tempted to move onto the carriageway instead, thereby causing an additional risk to themselves and to cyclists and drivers. This matter was not addressed in that appraisal. This would result in a severe danger to the safety of road users, pedestrians and people with mobility difficulties, contrary to policy ENV1.
13. I have noted that the proposal would enable the appellant to prevent uninvited people from parking on his driveway but that would be a private benefit. The Council has not objected to the character or appearance of the proposal and it may be that it would improve the appearance of the frontage and the street scene but the present situation is not unsightly and does not cause harm in that respect. Those matters therefore add insufficient weight to the proposal and do not outweigh the significant public harm to highway safety that would be caused.

Conclusion

14. For the reasons given above, I conclude that the proposed development would result in significant harm in terms of the highway safety. It would therefore be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector