



Appeal Decision

Site visit made on 23 April 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/A4710/W/24/3337216

Sedis House, Copley Lane, Halifax, Calderdale HX3 0TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Butterworth against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00866/FUL.
 - The development proposed is conversion from one dwelling to two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the refusal of planning permission, the revised National Planning Policy Framework (Framework) was published in December 2023. The parties have had the opportunity to comment on the revised Framework as part of their appeal submissions.

Main Issue

3. The main issue is the effect of the proposal on highway safety, with particular regard to the proposed access and parking arrangements.

Reasons

4. The appeal site relates to a large three storey detached dwelling located on a steeply sloping site to the north of Copley Lane, close to the junction with Spring Wood Drive. The property shares an access onto Copley Lane with the adjacent property, Hyde Park House, and there are driveways to the front of both properties. The site frontage is partly bounded by a low wall with a close boarded fence set behind it.
5. At the time of my visit, I observed there to be a steady number of vehicles passing the site on Copley Lane. Although this was only a snapshot in time, there is no substantive evidence to indicate that it was not typical of its use. It is also a bus route and has a footway on the north side only, adjacent to the appeal site.
6. The proposed subdivision of the property would create two dwellings, one with three bedrooms and the other with two bedrooms. The proposal does not involve any changes to the access arrangements and the number of parking spaces on the driveway would also remain the same. The drawings show that the existing driveway would provide two parking spaces for House 1 and one space for House 2.

7. While the proposal would not increase the number of bedrooms over the existing situation, the creation of two independent households would be likely to materially increase the number of occupiers and result in additional vehicle movements to and from the site.
8. During my visit I saw that there would be sufficient space for a vehicle to park and then manoeuvre within the site to enable it to leave in a forward gear. However, it is not clear that when the three parking spaces are occupied there would be space for a vehicle to manoeuvre and leave the driveway in forward gear without using the driveway of the adjacent property. The neighbour's driveway is not within the appeal site and cannot be relied on for manoeuvring, especially as there may be occasions when it is occupied by vehicles.
9. When both the parking spaces for House 1 are occupied, the eastern space would be blocked in. Manoeuvring in such circumstances would be awkward and excessive, particularly for larger vehicles. It is likely, therefore, that there would be times when vehicles have to leave the site in reverse gear onto the road, where visibility is somewhat limited to the east by the boundary fence on the site frontage.
10. Therefore, the intensification of use of the site access in this location has the potential for vehicles having to reverse out onto Copley Lane, which would be likely to result in conflict with pedestrians using the adjacent footway and other road users.
11. Moreover, the provision of three parking spaces on the driveway would be unlikely to be sufficient for the overall needs of future occupiers of the two family sized dwellings, and no spaces would be provided for visitors or deliveries. Consequently, when the three spaces are occupied there is the potential that any additional vehicles would park on the remaining area of driveway, further reducing the space available for manoeuvring and increasing the likelihood of vehicles reversing onto the road.
12. While I note the extract from the previous appeal decision relating to this site¹, I do not have the details of the previous scheme before me and it is unclear whether it was similar to that before me now. Consequently, it has not been determinative in this appeal.
13. For the above reasons, I conclude that the proposal would have an unacceptable effect on highway safety, having regard to the proposed access and parking arrangements. Accordingly, it would conflict with Policies BT4 and HS1 of the Calderdale Local Plan (adopted March 2023), which seek to ensure the safe and free flow of traffic in the interests of highway safety. It would also conflict with the Framework, which seeks to avoid unacceptable impacts on highway safety.

Other Matters

14. I have had regard to the potential benefits of the scheme, including the provision of an additional dwelling which would contribute towards the Borough's housing stock; together with employment opportunities while the proposed works are being undertaken and spending in the local area by future occupiers. However, given the modest scale of the development, the weight

¹ Council Ref. 19/00644/FUL

attributable to these matters is limited. I am satisfied that despite the limited benefits above, that these would be outweighed by the adverse impacts.

Conclusion

15. The proposed development does not accord with the development plan read as a whole, and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. For the reasons given, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR