The Planning Inspectorate

Appeal Decision

Site visit made on 24 May 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 03 June 2024

Appeal Ref: APP/R1010/D/24/3340677
30 Church Street, South Normanton, Alfreton, Derbyshire DE55 2BT

- 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 Mrs Joanne Bradley against the decision of Bolsover District Council.
- The application Ref: 23/00645/FUL**,** dated 20 December 2023, was refused by notice dated 20 February 2024.
- The development proposed is for a vehicular access and hardstanding.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The applicant describes the proposal as for a *dropped kerb and drive to the front of the property for 2 cars, approximately 7 metres by 5 metres. Drop kerb approx. 1 left drop and 1 right drop times 5 flats.* The local planning authority (LPA) has described it as for *a vehicular access and hardstanding*. I have used the latter in the banner for reasons of brevity.

Main Issue

3. The main issue is the effect of the proposal upon highway safety.

Reasons

4. The appeal dwelling is part of a line of properties set back from Church Street and at a higher level from it and with a common building line. The front amenity spaces have no hedges or walls abutting the road, nor have they any buildings, other structures, or physical boundary demarcations between the properties. The amenity spaces are uniformly grassed.

5. The amenity spaces, including that of the host property, are generally more level with Church Street for about the length of a vehicle, but then they rise up steeply to the dwellings above.

6. Church Street has no on-road parking restrictions in the vicinity of the appeal property and has a 30mph speed restriction. On my site visit, I was able to note that on-road parking occurs on the opposite side to the appeal property, while the appeal documents include photographic evidence of a vehicle being parked parallel to Church Street on the grassed amenity land in the vicinity to the host dwelling .I was able to see confirmation of this on my site dwelling where there was a parked vehicle in this same position.

7. The proposed development would create a vehicular crossing and parking for two vehicles at right angles to the road, situated on the currently grassed area to the host property and abutting Church Street. Drivers would have to manoeuvre on Church Street to enter and leave the parking spaces. There would not be the possibility of drivers entering and also leaving in forward gear.

8. The Highway Authority (HA) requires sight lines of 43 metres when measured back from the carriageway by 2.4 metres for a new vehicular access to a classified road where there is a speed limit of 30mph. Such sight lines should be over land within the public highway or over land within the ownership or control of the appellant. In this particular case, the HA considers that the sight lines, when measured in such terms, only extends to 15 metres in either direction.

9. While the appellant concedes that development on land to either side of the host property cannot be controlled so as to meet the above specifications, it is the case that the dwellings have clearly been built several decades ago and no such impediments are present on their amenity spaces, possibly because of legal occupancy restrictions, though I have no such details before me.

10. However, the appellant concedes that the grassed areas abutting Church Street are sometimes used for parking cars parallel to Church Street, and while I have no information as to its frequency or the exact locations, highway safety would be adversely affected if this occurs within the sight lines, as seems possible, when drivers would be manoeuvring into and out of the proposed spaces. Parked cars on the opposite side of the road and the subsequent narrowing of the highway for passing traffic would exacerbate the harm.

11. The appellant has referred to other instances where kerb crossings have been allowed. However, I have no specific details of the planning and highway circumstances surrounding them, or whether they have occurred before or after the adoption of the development plan for the area. In any event, I have determined this planning application upon its individual merits.

12. I have taken account of the fact that the provision of off-road parking would reduce on-road parking, to the benefit of traffic flow. However, this does not overcome my concern regarding drivers having to manoeuvre on the highway to gain access to and from the proposed spaces.

13. Therefore, I conclude that the proposed development would not accord with policy ITCR11 of the Bolsover District Local Plan 2020 which, amongst other

things, requires parking to be created in a safe environment, avoiding conflicts with other road users including pedestrians and cyclists.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR