



Appeal Decision

Site visit made on 24 May 2024

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2024

Appeal Ref: APP/M3455/W/24/3336307

2 High Lane, Burslem, Stoke-on-Trent, Staffordshire, ST6 7DG

- 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 Mrs Yasmeen Hussain against the decision of Stoke-on-Trent City Council.
 - The application reference is 70309.
 - The development proposed is described as a 3.6m wide dropped kerb and vehicle access with extension to existing driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal includes a dropped kerb to facilitate vehicular access from High Lane which is a classified road. The proposed plans also show a hardstanding on the land to be used for car parking purposes.
3. The evidence is that the installation of a proposed smaller driveway was found by the Council to be permitted development, and hence lawful, in December 2022 as part of an approved lawful development certificate (LDC)¹. The LDC relates to the '*installation of a driveway*' only. In other words, it does not relate to the formation of a vehicular access onto High Lane which is a classified road. The latter constitutes development and requires planning permission by virtue of Class B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Main Issue

4. The main issue is the effect of the proposed vehicular access on highway safety.

Reasons

5. The appeal property is a semi-detached dwellinghouse positioned in a corner position and where several roads meet including Moorland Road, Bank Hall Road, and High Lane. On one side of the proposed access is a nearby pedestrian crossing and on the other side is a roundabout which has a short connecting highway arm leading to another roundabout. On the opposite side of High Lane is a left turn lane leading from Moorland Road.

¹ LDC Ref 68402/CLP

6. At the time of my site visit (mid-afternoon), the frequency and volume of traffic was very high. I was able to experience that within the vicinity of the appeal site there is a plethora of junctions, roundabouts, turning lanes and a signalised pedestrian crossing. This is therefore an area where motorists must be particularly alert.
7. The appellant has submitted an access appraisal prepared by Mode Transport Planning. Based on this evidence, I am satisfied that it would be possible to park vehicles on the proposed driveway in such a way that they could be turned and then leave in forward gear. Therefore, reversing manoeuvres onto High Lane could be avoided. In addition, I am satisfied that pedestrian and vehicular sightlines would be capable of being acceptable. These are matters that could be controlled by means of the imposition of planning conditions. In these respects, I do not find that the proposal would lead to unacceptable vehicular conflicts or interrupt the free flow of traffic on High Lane or elsewhere.
8. My principal concern relates to vehicles turning right into the appeal site from High Lane. I acknowledge that immediately after the roundabout High Lane is about seven metres in width, albeit that it narrows very soon after this point to a single carriageway width. In this regard, it would be technically possible for a vehicle to pass if a motorist was waiting to turn right into the appeal site. However, a right turn manoeuvre would require a vehicle to be positioned very close to the centre line of the highway. This could not always be guaranteed. Indeed, not all visitors to the appeal property would be aware of the importance of this in highway safety and traffic movement terms. I am concerned that unless this happened, it would be difficult for larger vehicles, such as a lorry, to pass with ease. Hence, this could result in traffic backing up with negative impacts on the operation of the nearby two roundabouts.
9. Even if I were to accept that the width of the road immediately after the roundabout is sufficient to ensure that vehicles would always pass, I nonetheless find that it would be likely that some motorists would not be alert to the potential for a vehicle to be turning right immediately after leaving the roundabout. Motorists in this area must already concentrate when navigating the busy roundabouts and must keep an eye on the possibility of the lights at the pedestrian crossing turning red and/or vehicles turning into High Lane from the left turn arm off Moorland Road. In this context, some motorists would not be sufficiently alert to the potential for a vehicle to be immediately turning right into the appeal site after leaving the roundabout. In other words, the existence of multi-directional traffic and junctions in this area leads me to conclude that many motorists would not be alert to the potential for a right turn manoeuvre into the appeal site.
10. Moreover, to ensure a safe right turn manoeuvre from the point of view of alerting motorists behind, I consider that it would be necessary to engage a right turn indicator while still on the roundabout. In this context, many motorists behind would think that the motorist was not going to leave the roundabout onto High Lane. If a right turn indicator was not engaged on the roundabout, and instead was engaged immediately after leaving it, I do not find that there would be sufficient time to alert motorists behind of such a proposed manoeuvre. In my judgement, there would be a high likelihood of a rear end shunt. Furthermore, any highway manoeuvring associated with a vehicle waiting to turn right into the appeal site would, in my judgement,

undoubtedly interrupt the free flow of traffic within what is a complicated traffic system.

11. While some of the highway safety concerns raised by the Council could be addressed by means of the imposition of planning conditions, for the reasons outlined above the proximity of the roundabout is such that when the proposal is considered as a whole, it would result in unacceptable harm being caused to highway safety. I accept that there are other dropped kerbs elsewhere on High Lane, but these are positioned further away from multi-directional traffic and junctions, and drivers behind have more time to prepare for right turn manoeuvres. I have determined this appeal on its individual planning merits. The existence of other vehicular access points does not alter or outweigh my conclusion on the main issue.
12. I conclude that the proposal would fail to accord with the highway safety requirements of Policy SP3 of the Stoke-on-Trent and Newcastle-under-Lyme Core Spatial Strategy 2009, Policy PR3 of the Council's Urban Design Guidance SPD 2010, and paragraph 115 of the National Planning Policy Framework 2023. In reaching this conclusion, I have considered the appellant's comment about finding it difficult to park vehicles in the area. However, this is not a matter which carries sufficient weight to justify allowing the harmful development.

Conclusion

13. I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR