



Appeal Decision

Site visit made on 25 June 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal Ref: APP/N4720/D/24/3343035

9 Ashfield, Farnley, Leeds LS12 6JX

- 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 David Heeley against the decision of Leeds City Council.
 - The application Ref is 23/07580/FU.
 - The development proposed was originally described as new drop kerb to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises new dropped kerb to front with new access gates. The Council dealt with the proposal on this basis and so shall I.
3. However, the proposed new access gates would be 1metre in height and the Council confirm the gates would be permitted development under Schedule 2, Part 2, Class A of the GPDO¹. Therefore, my deliberations on the appeal relate solely to the new dropped kerb and the formation, laying out and construction of a means of access to a highway.

Main Issue

4. The main issue is the effect of the proposed development on highway safety of pedestrians and all road users on Whitehall Road.

Reasons

5. The appeal property relates to a two-storey mid terrace dwellinghouse situated off Whitehall Road (A58). It is set back from the highway with a public footway running along the frontage of Ashfield. The proposal would involve dropping the kerb to allow vehicle access and parking within the existing front garden area.
6. As I saw Whitehall Road is a busy highway with traffic flowing continuously with speed restrictions of 30mph. The roadway directly opposite the site has hatched white markings to act as a visual barrier between the road lanes and there are adjacent bus stops on either side of Whitehall Road near to the appeal site. The existing front area appears to be of a hardstanding including stone chippings and there is some overgrown vegetation within the site. There are no other vehicle access points or parking areas to the front of properties

¹ The Town and Country (General Permitted Development) (England) Order 2015 (as amended)

along Ashfield and properties are bounded with low stone walls and gates. To the rear of the properties there is an informal private roadway which has several garages and parking areas serving those occupiers on Ashfield.

7. The Leeds City Council Transport SPD, 2023 (SPD) requires that direct vehicle access of a Type-1 road would be acceptable if it can be demonstrated that it would not cause a highway problem. Normally only allowed if vehicles do not need to reverse into the carriageway, with off street turning space available clear of other parked vehicles.
8. The appellant claims that there is good visibility in both directions because this stretch of Whitehall Road is long and straight. However, the evidence and plans lack with any certainty what visibility could be achieved at the site. Neither does it take account of restricted visibility due to existing trees and vegetation that hang over the boundary walls towards the footway of properties on the row.
9. Nevertheless, the appeal site is of a narrow width and does not allow any vehicle to safely turn within the front garden area to allow for safe egress in a forward gear on to the A58. Thus, resulting in vehicles having to either reverse back onto the highway or to reverse back onto the driveway. This would inevitably result in the stopping up of traffic which would not be in the best interests of highway safety. I consider this to be a dangerous situation for all road users including pedestrians using the footpath and other road users, as views would be impeded from any manoeuvring vehicle from/into the driveway and traffic flow would be disrupted. The existing hatched white lines on the carriageway would do little to prevent this from happening.
10. Furthermore, there would be a lack of suitable visibility due to the constraints and alignment of front walls which would result in vehicles having to pull forward or back onto the pavement and almost into the carriageway to ensure any suitable visibility before manoeuvring off.
11. For the reasons given above, I conclude that the proposal would result in an unacceptable impact on highway safety of pedestrians and all road users on Whitehall Road. As such, the proposal would be contrary to Policy T2 of the Leeds Local Plan, Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019), 2019 which requires that new development should not create or materially add to problems of safety on efficiency on the highway network and normally make adequate provision for easy, safe and secure cycle use and parking. It would also be at odds with the guidance in the SPD, as set out above.
12. Moreover, the proposal would not be in accordance with paragraph 114 of the National Planning Policy Framework 2023 (the Framework), which requires safe and suitable access to the site can be achieved for all users, and at paragraph 115 requires that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

13. The appellant has referred to other parking arrangements nearby to the appeal site. However, I have limited evidence of these schemes, whether they have benefited from planning permission or that they would be satisfactory in highway terms. The majority of those I did see had larger front garden

areas/driveways allowing turning within the garden unlike the site before me. Matters of whether the appellant is already using the driveway holds little weight in justifying the impact on highway safety, and such matters of any illegality would be for the regulatory authorities to deal with and are outside the scope of this appeal.

Conclusion

14. The proposal conflicts with the development plan and the Framework, taken as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

KA Taylor

INSPECTOR