



Appeal Decision

Site visit made on 8 October 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/Y2003/W/24/3346120

1 The Avenue, Burton Upon Stather, North Lincolnshire DN15 9EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Jackson against the decision of North Lincolnshire Council.
 - The application Ref is PA/2023/1636.
 - The development proposed is 1no new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have excluded the superfluous information from the description of development in the banner heading above as it is not an act of development.
3. Outline planning permission is sought with all matters reserved for subsequent approval. A drawing has been submitted that includes details of layout, landscaping and access, matters that are reserved for future consideration. I have therefore treated the drawing as illustrative in this regard and determined the appeal on this basis.
4. Although "access" is reserved for subsequent approval, paragraph 5(3) of the Development Management Procedure Order 2015 asserts that an application for outline planning permission must state the area or areas where access points to the proposed development will be situated. The illustrative drawing includes part of the highway within the site edged red which suggests the proposal's access point. I have therefore determined the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposal on highway safety.

Reasons

6. The appeal site comprises a triangular-shaped parcel of land that forms part of 1 The Avenue's garden. A substantial hedge forms the boundary to the highway which the appellant asserts will be removed. A grass verge and a pavement separate the hedge from the road. The appeal site is on the inward bend of the road which has a 30mph speed limit. The surrounding area is predominantly residential with numerous driveways accessing onto the road.
7. Immediately opposite the appeal site is the Flixborough Road T-junction. Flixborough Road is predominantly residential but also provides access to a primary school in proximity to the T-junction. Double yellow lines are present

around the corners of the T-junction with "School Keep Clear" markings across the school entrance. There are no Traffic Regulation Orders along the frontage of the appeal site.

8. During my site visit I witnessed limited vehicles parked on the surrounding roads, while vehicles travelling along the road were infrequent and moved at relatively low speeds. However, I acknowledge this was a snapshot in time and I am aware from the evidence before me, that parking occurs along the frontage of the appeal site and on the surrounding roads at school drop off and pick up times.
9. The proposal is in outline with all matters reserved, including access. However, I must be satisfied that a suitable access is capable of being achieved to serve the proposal at the outline stage.
10. The proposal is for one dwelling and therefore, it would not generate a significant number of comings and goings. The appeal site is of a sufficient size to accommodate a turning space to ensure vehicles exit the site in a forward gear. Furthermore, vehicles using the surrounding roads are likely to travel at low speeds due to the 30mph speed limit and their speed would likely be further reduced when navigating around parked vehicles at school drop off and pick up times. I have been directed to Crashmap data that indicates the occurrence of two 'slight' accidents at the T-junction over the last 24 years. However, limited information has been provided regarding these accidents to demonstrate that the existing T-junction and surrounding roads are safe.
11. The Council assert that the illustrative drawing does not accurately reflect the layout of the existing pavement, grass verge and 31 Normanby Road's front boundary wall, piers and front garden. The appellant has not disputed the Council's findings in reference to this matter and from my own observations on site, I agree with the Council. As such, from the information before me, I am not persuaded that the proposal could achieve the westerly visibility splay as shown on the illustrative drawing or a westerly visibility splay elsewhere along the appeal site's frontage, without crossing land outside the appellant's control. Consequently, a condition requiring the visibility splay to remain free from obstruction would not be enforceable.
12. I acknowledge the Highway Development Control consultation response stated the proposal would be acceptable in terms of highway safety subject to the removal or trimming of the existing hedge to improve visibility. However, it is unclear whether they were aware of the discrepancies with the illustrative drawing. Even if they were, this does not prevent me from coming to a different conclusion from the evidence before me.
13. I have been directed to a planning approval for a detached dwelling on land adjacent to 29 Normanby Road. However, limited information has been provided for me to ascertain whether it is directly comparable to the appeal proposal. In any event, I must determine each case on its own merits.
14. In reference to the main issue, I am unable to determine whether the proposal could be served by a suitable access that would not have a detrimental effect on highway safety. It would therefore conflict with Policy T2 of the North Lincolnshire Local Plan including Policies for Minerals and Waste, adopted 2003 which, amongst other things, seeks to ensure that all development must be provided with a satisfactory access. It would also conflict with Chapter 9 of the

National Planning Policy Framework that requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

15. On the opposite side of the road from the appeal site there is a Grade II listed building, Avenue Cottage. The building comprises a two-storey, double fronted dwelling constructed circa late 18th century/early 19th century with later additions and alterations. It is constructed of coursed ironstone rubble with brick gables, dressings and chimneys and a concrete pantile roof. The significance of the listed building derives from its aesthetic value. Accordingly, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of this listed building.
16. The listed building is surrounded by existing dwellings that are mixed in their character and appearance and set within different sized plots. The proposal is for a dwelling that would be separated from the listed building by a road. The scale, appearance and layout of the proposed dwelling and the landscaping of the site could be secured at the reserved matters stage to ensure it would not harm the setting of this listed building.

Conclusion

17. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR