



Appeal Decision

Site visit made on 20 November 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/A1015/D/24/3351694

250 Manor Road, Brimington Common, Chesterfield, Derbyshire S43 1NT

- 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 Miss Waite against the decision of Chesterfield Borough Council.
 - The application Ref CHE/24/00293/FUL, dated 12 May 2024, was refused by notice dated 19 August 2024.
 - The development proposed is vehicular crossing and tarmac driveway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the header above is taken from the Decision Notice of the Council as it describes the nature of the development in a more concise manner than the application form. I am satisfied that neither party is compromised by the use of this description.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

4. The appeal property is one of three terraced properties, set back from the highway, all with an amenity area to the front of the properties. The proposal would see the front area of the appeal property opened up to allow for the parking of a vehicle. The section of shared wall between the properties would be removed to facilitate access and a dropped kerb installed.
5. There is inadequate space at the appeal site to allow a vehicle to turn in order to leave and enter in forward gear. Vehicles entering or leaving the parking area in reverse would be at risk of, and have the potential to cause collisions onto Manor Road, which appears to be a well-used highway. It would also prejudice the safety of pedestrians due to limitations in visibility as well as the slowing down and turning movements of vehicles causing hindrance to pedestrians and traffic.
6. The appellant states that their vehicle is of a size that could be parked and not overhang the highway, but that may well relate to that type of vehicle and may not still be the case if another vehicle used it.

7. The appellant has stated that a number of properties have carried out the same works, but I have no evidence to demonstrate whether planning permission has been acquired. Regardless of this, each proposal should be determined on its own merits.
8. For the reasons already set out, I conclude that overall that a safe vehicle access to the appeal site could not be achieved as its use would encroach onto and affect the highway and pedestrian walkway due to the inability to leave the access safely and has the potential to cause harm to highway safety due to visibility and pedestrian safety issues. In combination, these factors would lead to an unacceptable risk of conflict between highway users.
9. Therefore, I find conflict with policy CLP22 of the Chesterfield Borough Local Plan (2020) which, amongst other matters, expect development proposals not to have an unacceptable impact on highway safety. I also find conflict with Paragraph 114 of the National Planning Policy Framework which states that safe and suitable access should be achieved for all users.

Conclusion

10. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should not succeed.

Paul Cooper

INSPECTOR