



Appeal Decision

Site visit made on 18 February 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/R1010/D/24/3354338

31 Queens Road, Hodthorpe, Derbyshire S80 4UW

- 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 Mr Craig Dunn against the decision of Bolsover District Council.
 - The application Ref is 24/00340/FUL.
 - The development proposed is a dropped kerb at the front of number 31 Queens Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on highway safety; and
 - whether the appellant's personal circumstances and need for the proposed development outweigh any harm identified in respect of the first main issue, such as to indicate a decision otherwise than in accordance with the development plan.

Reasons

Highway safety

3. The appeal property is a dwelling on the corner of Queens Road and King Street. A driveway has already been laid and entrance gates installed. However, no details have been submitted regarding those entrance gates and they do not form part of the application. It appears that the gates are manually operated and that they open inwards towards the house.
4. The proposed vehicular access would result in vehicles manoeuvring between the driveway and Queens Road, the main road through Hodthorpe. A car accessing or exiting the driveway would potentially have to stop and possibly obstruct traffic on Queens Road temporarily while the gates are opened or closed. Furthermore, a vehicle using its indicator when approaching on Queens Road from either direction could be confusing for the driver of a vehicle exiting King Street as it would be unclear whether the vehicle is indicating for King Street or the driveway. This could increase the risk of a collision.
5. The vehicular access would be immediately adjacent to the junction with King Street. Drivers on Queens Road, exiting King Street and pedestrians would have a reasonable view of the vehicle on the driveway at the appeal site. However, the

new gates are slightly higher than the boundary wall and visibility for a driver exiting the driveway would be reduced when they are open and adjacent to the wall. This could also increase the risk of a collision with another vehicle or a pedestrian.

6. Overall, even if the proposal eases the on-street parking situation, the potential for obstructing traffic on Queens Road and the increased risk of collisions between vehicles and pedestrians would cause significant harm to highway safety. The proposal would therefore conflict with Policy SC3 of the Local Plan for Bolsover District (2020) (LP), insofar as it requires development to provide spaces which are safe.
7. The Council also cites a conflict with LP Policy SC11. However, this policy relates to environmental quality with specific regard to residential amenity and living conditions. It does not make any reference to highway safety or safety in general, and therefore it has no bearing on this main issue.

Personal circumstances

8. The appellant states that the proposal would give ease of access to their property for a disabled member of their family. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a relevant protected characteristic to which the PSED applies.
9. I acknowledge that the provision of a vehicular access would improve accessibility for a disabled member of the appellant's family. However, this must be balanced against the matter of highway safety that would be in the wider public interest. The proposal would put road users, and those using the new access, at unacceptable risk and this would outweigh the accessibility benefits. It is therefore necessary and proportionate to dismiss the appeal.

Other Matter

10. It is unclear from the evidence presented how the proposal would provide any significant benefits to security. Nevertheless, even if there were some benefits in that regard they would not justify the harm to highway safety.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR