



Appeal Decision

Site visit made on 2 April 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/Z4718/W/24/3346851

Green Mount, Cinder Hills Road, Holmfirth, Kirklees HD9 1EE

- 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 A Robinson against the decision of Kirklees Council.
 - The application Ref is 2022/62/93692/W.
 - The development proposed is the erection of detached dwelling and renovation of existing outbuilding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The proposed dwelling would be situated off Cinder Hills Road, to the rear of other dwellings. It would be accessed using an unadopted track of varying widths which serves a number of other existing dwellings.
4. The width of the access from its junction with Cinder Hills Road to where it splits into two, with one branch leading to the area of the proposed dwelling, is around 3m in width. Although some widening is proposed to the verge area to the side of the track, this would not allow for two-way traffic flows over this initial length of the access track. The appellant has referenced the existing operation of this access, and the low volumes of traffic that use it, but the Council's Highway Design Guide Supplementary Planning Document sets out that any existing private road that would serve more than 5 dwellings after completion of the new development, as in this case, should be laid out to an adoptable standard.
5. The proposal would fail to provide an access off Cinder Hills Road with a minimum width of 5.5m over its initial length. The additional dwelling, whilst resulting in a small increase in trips along the access, would nevertheless increase the potential for conflicts between vehicles. Even a single conflict could have unacceptable highway safety implications as it may result in a vehicle reversing onto Cinder Hills Road, bringing it into conflict with passing traffic and increasing the risk of accidents.
6. The appellant has provided details of how the access track could be widened to provide for a fire appliance vehicle to reach the drive of the proposed dwelling, along with the provision of a passing place. It is also acknowledged, as per the reference to Manual for Streets, that the access route to reach a fire can be

reduced to 2.75m over short distances. However, it is not clear from the submitted plans that the proposed widening would be achievable, as the proposals for the access track include land outside the appeal site boundary.

7. Whilst there may be smaller sized fire vehicles in Holmfirth, I have not been provided with information that such vehicles would always respond to an incident at the appeal site, and whilst a sprinkler or fire suppression system can be installed, it has not been demonstrated that this would negate the need for emergency vehicle access.
8. It is common ground that there is a shortfall in the visibility at the existing access, but vehicle speeds are low along Cinder Hills Road, owing to the width of the carriageway and the presence of on-street parking. Exiting vehicles from the access track would likely be emerging slowly in forward gear and given the low speeds of passing traffic, I do not consider that such movements would cause an adverse impact on the highway network. This would not however overcome the harm that I have identified on potential accidents arising from reversing vehicles. The accident data provided by the appellant does not show evidence of accidents at the junction of the access track with Cinder Hills Road or in its vicinity, however, the proposal would result in an increase in the use of the access track which would be materially harmful to highway safety by increasing vehicle conflicts and the risk of dangerous reversing manoeuvres onto the highway.
9. I therefore conclude that the proposed development would have an unacceptable adverse impact on highway safety. As such, it would conflict with Policy LP21 of the Kirklees Local Plan Strategy and Policies and Policy 11 of the Holme Valley Neighbourhood Development Plan, which seek, amongst other matters, to avoid a detrimental impact on highway safety and the local highway network. It would also be contrary to Paragraph 116 of the National Planning Policy Framework (Framework), which sets out, amongst other matters, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

10. The proposed dwelling would be in an accessible location to services and facilities and the proposed cutting back of some vegetation would be of benefit to all users of the access track. The proposal also includes the renovation of the dilapidated outbuilding which would enhance the site. These matters weigh in favour of the proposal but they would not outweigh the harm that I have identified in relation to the main issue.
11. The principle of the development is acceptable as would be the design which would have no impact on the setting of the Underbank Conservation Area. The proposed development would provide sufficient car parking spaces. These are however neutral matters and not ones which weigh in favour of the development.

Conclusion

12. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq INSPECTOR