



Appeal Decision

Site visit made on 7 April 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/U2750/D/24/3356261

33 Knaresborough Road, Harrogate, North Yorkshire HG2 7SR

- 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 Richard Warren against the decision of North Yorkshire Council.
 - The application Ref is ZC24/03017/FUL.
 - The development proposed is described as: to drop kerb on Knaresborough Road allowing access to front of property to park vehicle.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been revised. I am satisfied there are no changes of any consequence for the main issues in this appeal.

Main Issue

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

Reasons

4. Paragraph 115(b) of the Framework requires development to provide safe and suitable access to a site for all users. It also states at paragraph 116 that if there would be an unacceptable impact on highway safety, development should be refused.
5. The appeal property is a residential dwelling located on the A59 Knaresborough Road. The area is predominantly residential in character. However, there are several shops and commercial premises opposite the appeal site and nearby. As a result, both the carriageway and footway are well-used.
6. Knaresborough Road, in the vicinity of the appeal site, is a straight section of road on level ground. The road is identified as a 'Strategic Route' by the local highway authority. This type of route typically supports fast-moving, long-distance traffic with speed limits often in excess of 40mph. However, I noted that the speed limit on this section of Knaresborough Road is 30mph. The road has been identified as carrying high levels of daily traffic, and I observed this to be the case at my site visit.
7. The proposed development would allow the front garden of the appeal property to be used for vehicle parking. I noted at my site visit 2 cars parked on the property.

The appellant argues that there is sufficient space within the property to turn a vehicle to allow forward entry into and exit from the property. While the appellant may feel able to carry out such a manoeuvre any permission for vehicle access runs with the property and I must therefore consider the safe use of the access by future occupiers. Moreover, manoeuvring space has not been indicated on the plans before me and based on my observations, would not be possible if a second vehicle was parked on the property. As such, for vehicles to exit the property in a forward gear they would need to reverse from the highway onto the property thereby impeding the free flow of traffic.

8. Whether exiting or entering the proposed access on the nearside carriageway, in either forward or reverse gear, vehicles would need to manoeuvre into the available space at low speeds, having particular regard for pedestrians and cyclists. This would be likely to impede the free flow of traffic along the highway.
9. A similar situation would occur for vehicles turning right into the property across the nearside carriageway. Given the high levels of vehicle use along the road, turning right onto the property would require a vehicle to wait for a gap in the on-coming traffic, thereby impeding the flow of traffic.
10. The appeal site is adjacent to a traffic light controlled pedestrian crossing and within the no parking and overtaking controlled zone denoted by zig-zag white lines to the sides of the carriageway. I noted several pedestrian crossing points with protected central reservations along this section of the road. These reflect the high levels of pedestrian activity within the area and a high risk to pedestrians from vehicles.
11. It is my planning judgement that the proximity of the appeal site to the pedestrian crossing increases the risk of conflict with other road users and particularly pedestrians. While the pedestrian crossing, when in use, impedes the flow of traffic along the road it is there to provide a safe crossing point for pedestrians. The additional distraction of vehicles manoeuvring into and out of the proposed access, so close to the pedestrian crossing, would result in an increased risk to all highway users. While the appellant argues that the pedestrian crossing would stop traffic, allowing a vehicle to manoeuvre onto and off the appeal property without impeding the flow of traffic, this is neither the purpose of the crossing nor can it be always relied on.
12. In combination, I find that the current high levels of use of the highway, proximity to a pedestrian crossing and limited manoeuvring space on the property would result in an increased risk to highway users. The proposed development would result in vehicles either waiting on the carriageway or impeding the flow of traffic along the carriageway while manoeuvring on to or off the property. This would increase incidents of other highway users having to slow rapidly or stop suddenly. As a matter of my planning judgement, this would result in conflict with and increased risk to other road users, in particular, pedestrians and cyclists.
13. The appellant refers to examples of other vehicle accesses, both on Knaresborough Road and nearby, which they consider present a greater risk to highway users. In each case I find the examples to be sufficiently different in terms of position on the road, properties served and proximity to other features on the road, most notably the pedestrian crossing referred to above, as to be not directly comparable to the appeal site. Also, I do not know all the circumstances or the

context under which these accesses were established or their status with regard to planning permission. In any event each scheme must be considered and determined on its individual merits. Moreover, the presence of these accesses does not overcome the risk to highway safety that I have otherwise found.

14. Having considered all the evidence, including the recommendations of the highway authority and observations made during my site visit, I conclude that the proposed development would result in an unacceptable effect on highway safety. In this regard, it would conflict with paragraphs 115(b) and 116 of the Framework.

Other Matters

15. I note that the appellant considers the reasons given for refusal to be incorrect and based on information that is not true. However, I have based my decision on the evidence before me including the lower speed limit of 30mph.
16. I note that the appellant argues that the application did not raise any objections from occupiers of neighbouring properties or from the Stray Estate Manager, with regards to crossing third party land. However, an absence of objections in this respect is a neutral factor.

Conclusion

17. For the reasons given above the appeal is dismissed.

C Mayes

INSPECTOR