The Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2012

by Geoffrey Hill BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 October 2012

Appeal Ref: APP/H1033/A/12/2177406
The Old Quarry, Thorpe Street, Old Glossop SK13 7RW

- 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 Mr M Wood of Taylor & Wood Estate Agents against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0399 was refused by notice dated 9 December 2012.
- The development proposed is described as "proposed off street parking for 12 No. single garage units – at the Old Quarry, Thorpe Street, Old Glossop".

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made on behalf of Taylor & Wood against High Peak Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development noted above is that given on the planning application form. At Part E of the Appeal Form it is stated that the description of development has not changed, but a different wording has been entered. Neither of the parties has provided a letter to show that a revised description of development has been agreed. Accordingly I have used the one given on the original application. Similarly, a different address for the site is given on the Appeal Form. As agreed by the agent in his e-mail of 29 June 2012, I have used the address noted on the original application.

Main Issues

4. There are two main issues in this appeal. The first is the effect on conditions of highway safety for road users and pedestrians on Thorpe Street. The second is the effect on the character and appearance of the area, which is here within the Old Glossop Conservation Area.

Reasons

Highway safety

5. Saved Policies TR5 and GD5 of the adopted High Peak Local Plan 2005 (HPLP) require new development to provide an access which is safe both for drivers and pedestrians, having regard to relevant government guidance and good

practice. The access into the site is off Thorpe Street, close to its junction with Church Street. Visibility is restricted by the garden wall to No 54 Church Street. The proposed scheme includes an adaptation to the access, with a built-out kerb line within the highway, to offer an improvement to the visibility.

6. At the site visit it was shown that the visibility which is available from a point 2m back from the proposed edge of the carriageway would be in the order of 9m to the left (ie towards approaching traffic on the one-way street). Thorpe Street is within the built-up area of Glossop, and subject to a 30 mph speed limit. The advice given in Manual for Streets[1] is that at 30 mph there should be visibility of 43m. I accept that it may be unlikely that vehicles would pass the access at 30mph but, even allowing for a more realistic 15 – 20 mph, the visibility should be either 17m (15 mph) or 23m (20 mph). That is, the visibility here would, at best, be only half of that considered appropriate to ensure the safety both of other road users and passing pedestrians.

7. I acknowledge that the local highway authority did not raise any objections to the application, but no explanation is given as to why such a significant departure from the advised visibility standards would be acceptable. This is all the more concerning when it appears that, notwithstanding the submitted design and the views of the highway authority, "the precise improvement to visibility cannot be established"[2] at this stage. This is a significant point of uncertainty where highway safety is involved and it would be irresponsible to allow development to go ahead without knowing what visibility could be achieved – either compliant with the guidance or sub-standard. Under such circumstances it is not possible to confidently predict the likely impact of the proposed scheme and make a balanced judgement on the risks that it may represent.

8. I acknowledge that what is being proposed could offer better visibility than at present, but the use of the access is likely to be greater than for the current informal parking use of the land. The potential danger is all the greater as there is no footway on this side of Thorpe Street and passing pedestrians, especially children, could be at risk of an accident and injury with increased use and such significantly sub-standard visibility. This would be contrary to the objectives of the Local Plan's policies.

9. Notwithstanding the views of the local highway authority, I do not consider that there are any exceptional circumstances that would justify allowing a development which conflicts with the development plan policies, in that it falls so significantly short of the advised standards. I acknowledge that the proposed scheme could remove vehicles which are currently parked on the highway but, paradoxically, this may make the conditions of highway safety even worse, as it could allow cars to pass the access at a higher speed, requiring an even greater visibility distance.

Character an appearance

10. The site is within the Old Glossop Conservation Area. Saved Policies BC1, BC5 and GD4 of the HPLP amongst other matters and in general terms, require

[1] Table 7.1, page 91, *Manual for Streets*; Welsh Assembly Government, Communities and Local Government, Department for Transport: 2007.

[2] Supplementary written submission from the appellant's agent dated October 2012.

new buildings to be of a scale, design and appearance which are sympathetic to surrounding development. In addition, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area.

11. The appeal site lies behind frontage cottages on two sides, and the other two sides are old quarry faces, rising up to about 8 metres or so. In its present condition the site does not make a notably positive contribution to the Conservation Area; it is an unsurfaced area of rough ground seemingly used primarily as a rear access and parking place for houses in Church Street. Also on the land are a couple of derelict single garages and much self-seeded – and seemingly unmanaged – vegetation. That is, new development here has the potential to enhance the conservation area.

12. Existing development at this part of the conservation area is predominantly of stone built cottages along the street frontages, which generally follow the contours of the hillsides. Because of the landform, this does not represent a strongly liner urban form, and some development in depth could be appropriate, depending on the style and character of the scheme. There are views into the site, albeit limited, from Thorpe Street. It is also possible to look down into the site from the footpath above the quarry rim adjacent to the newer development in Blackshaw Road.

13. The proposed garages would be simple structures, set out in two short rows facing each other, and a separate block of two units. Whilst not architecturally distinguished, I accept that materials which are sympathetic to the location could be required and a more appropriate roof pitch specified. There would be a loss of some of the present scrubby and informal vegetation, but I also accept that some could be retained and possibly more planting introduced to soften the somewhat utilitarian character of the proposed garages. I acknowledge that the land might be used for other development which may offer a higher standard of architectural merit and townscape interest, but I do not consider that the design of the proposed scheme would be so poor as to fail to be wholly unsympathetic in this setting. The scheme would serve to improve the present character and quality of the area and thereby enhance its appearance.

Conclusions

14. Although the proposed garages would be likely to result in an improvement to the character and appearance of the site and the area generally, this does not overcome or outweigh the objections I have noted above relating to visibility at the access and the effect on highway safety. Accordingly, the appeal should be dismissed.

Geoffrey Hill

INSPECTOR