The Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2013

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 31 October 2013

Appeal Ref: APP/H1033/A/13/2199301
Heartsease, 132 Laneside Road, New Mills, High Peak SK22 4LU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Phillips against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0082 was refused by notice dated 24 April 2013.
- The application sought planning permission for a detached dwelling without complying with a condition attached to planning permission Ref HPK/2011/0313, dated 31 August 2011.
- The condition in dispute is No 5 which states that: Before any other operations are commenced a new vehicular and pedestrian access shall be created to Laneside Road in accordance with the application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
- The reason given for the condition is: In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect on highway safety.

Reasons

3. The dwelling was originally accepted on the basis that stopping sight distances of 43 metres to each side of the new access would be achieved. This proposal seeks to reduce the vision splay to the east to 23 metres.

4. Beyond this property to the east, Laneside Road bends to the right before rising up the hill, as a single track road. Third parties have listed the various users of this upper part of the road and the potential for through traffic. The recreational use of the road by horse riders, cyclists and dog walkers is also highlighted.

5. The appellant suggests that the road is not used as a through road for normal vehicles and it serves very few other properties given that this is the limit of the built up area. It is a narrow road with poor visibility in places because of the bends. Due to these factors, it is suggested that traffic speeds are generally very low. It is also stated that the access arrangements would be typical of other accesses in the vicinity.

6. There are a large number of accesses that have extremely poor visibility due to walls and vegetation in close proximity to the driveways. In many cases, vehicles would have to edge into the carriageway to achieve any significant views along the road. Although this access would be closer to the bend than most, the narrow nature of the road and the poor visibility from other accesses, together with a lack of any suggestion that accidents have resulted because of these circumstances, does suggest that drivers use this road with relative care.

7. I note the comments with regard to the straight section of road and the proximity of the speed limit sign but I found that when approaching from the east, the width of the road and the bend, which naturally reduces visibility, encourage a cautious approach. Drivers with local knowledge would be aware of the roads limitations, the existing driveways and the roadside parking beyond the bend. Having travelled up the road, I consider the likely level of through traffic to be very limited.

8. The reduction of the height of the frontage walls to both sides but particularly to the east, improves visibility from the driveway of number 132 and also some of its neighbours. The proposed visibility from the new property would however be limited.

9. From my observations, I found the nature of the road, its geometry and the level of use to support the views of the appellants. However, I was not able to assess the way drivers use the road as no vehicles passed during the time I was in the vicinity. Whilst this supports the view that there is only limited usage of the road, I acknowledge the views of others that at certain times it is used more intensively. Although I consider it likely that vehicles would travel at low speeds because of the road conditions, I have no evidence to confirm this.

10. The Highway Authority suggest that the perceived speeds are in the region of 30mph. *Manual for Streets 1* provides guidance on stopping sight distances. For 85th percentile speeds of 30mph, 43 metres is required. The 23 metres available would satisfy speeds of 19mph. *Manual for Streets 2* accepts that a reduction in visibility below the recommended stopping sight distances will not necessarily lead to a significant accident problem. It also accepts that measurements can be taken from only two metres into the site in some slow–speed situations when flows are low.

11. I have not been provided with evidence as to the actual use of this road. If the evidence demonstrated that speeds where lower than suggested, I consider that there are a number of matters that offer support for the approach suggested in *Manual for Streets 2*. However, I find a reduction from 43 metres to 23 metres to be substantial and of a scale that would require more supporting evidence.

12. In the absence of evidence with regard to both traffic levels and speeds, I consider that the proposed stopping sight distance would unacceptably increase risks with regard to highway safety. It would therefore conflict with the safety requirements of the saved Policies GD5 and TR5 of the High Peak Local Plan 2005.

13. There is clear support for the more efficient use of this land and the proposal would contribute to housing land supply. These matters gain support from the development plan and elements of the *National Planning Policy Framework.* However, it has not been demonstrated that there is no prospect of reverting to the original stopping sight distance and even if it had, I would not accept the scale of the reduction proposed in the absence of evidence with regard to the speed of vehicles using the road. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR