
Appeal Decision

Site visit made on 15 September 2015

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 24 September 2015

Appeal Ref: APP/B3410/D/15/3019495

Nuttal Bank, Dunstall Road, Barton under Needwood, Staffordshire, DE13 8AX

- 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 Michael Grey against the decision of East Staffordshire Borough Council.
 - The application Ref P/2015/00021, dated 7 January 2015, was refused by notice dated 3 March 2015.
 - The development proposed is dropped kerb to existing pavement crossing and car parking area.
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Decision

1. The appeal is allowed and planning permission is granted for dropped kerb to existing pavement crossing and car parking area at Nuttal Bank, Dunstall Road, Barton under Needwood, Staffordshire, DE13 8AX in accordance with the terms of the application, Ref P/2015/00021, dated 7 January 2015, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Main Issue

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

Reasons

3. The appeal property is a large dwelling within the Conservation Area (CA). It has two access points. One is via the adjacent 'The Towers' development and the other fronts directly onto Dunstall Road. This appeal scheme relates to the second access point on Dunstall Road.
4. The boundary treatment of the appeal site along Dunstall Road is defined by a tall brick wall topped with coping stones. The wall runs for a considerable length along the back edge of the pavement. The access is set within the wall and comprises a metal gateway between two entrance columns. The access has been present and in use for approximately one hundred and fifty years. The appeal proposal would see the installation of a dropped kerb at the point where the access crosses the pavement.

5. The gates open inwards towards the appeal site and there is a small paved area which provides sufficient space for one car to be parked there. Behind this parking space, the garden rises steeply and access to the rear of the property is gained via some stone steps and across the lawn. The parking space is therefore tightly defined by the topography of the site. Therefore, given the confines of the site, only one vehicle could use the access at any given time.
6. Whilst the access may have been used infrequently in the past, the fact is that it is an existing access that is currently in use. Therefore, whether or not this appeal scheme is successful, the access will be likely to be used by the same number of vehicles. In order to use the access at the moment, it is necessary to mount the kerb and this is not a smooth procedure as the vehicle could jerk forwards or backwards during the manoeuvre. This in itself could be detrimental to highway safety and the appeal proposal would address this.
7. I note the highway authority's request that visibility splays should be provided. However, the access has been there and in use for a considerable amount of time and I must assess this appeal scheme in light of the existing situation. Furthermore, the alignment of Dunstall Road is straight at this point and on exiting the appeal dwelling, the occupants would have an acceptable line of sight along it to judge whether it would be safe to exit onto the highway. Whilst the access is directly opposite a school, there is no specific evidence before me to suggest that one additional vehicle using the access would result in significant harm to highway safety.
8. Accordingly, I conclude that the proposal would not be harmful to highway safety. The proposal would therefore not conflict with policy T1 of the East Staffordshire Local Plan (Adopted July 2006) which states that the Council will not permit development where it would unacceptably harm the safety and efficient use of the highway network. The proposal would also be consistent with paragraph 32 of the National Planning Policy Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Other Matters

9. As the proposal relates only to the installation of a dropped kerb and no alterations are proposed to the existing historic access, I am satisfied that it would preserve the character and appearance of the CA.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed. Other than the standard time limit condition, no other conditions are necessary, nor have the Council suggested any.
11. The Council have requested that the appellant be advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. I am advised that the necessary forms are available on the County Council's website.

Victoria Lucas-Gosnold

INSPECTOR