Appeal Decision

Site visit made on 24 July 2007

by Christopher Millns **MSc CEng FICE**

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

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Date: 10 August 2007

Appeal Ref: APP/R4408/A/07/2043600
Land adjacent to 149 Manchester Road, Thurlstone, Sheffield S36 9QS

- 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 A Lowe against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2007/0258, dated 6 February 2007, was refused by notice dated 2 April 2007.
- The development proposed is a detached house.

Decision

1. I allow the appeal, and grant planning permission for the erection of a detached house on land adjacent to 149 Manchester Road, Thurlstone, Sheffield S36 9QS in accordance with the terms of the application, Ref 2007/0258 dated 6 February 2007, and the plan submitted therewith, subject to the conditions in the schedule on page 3 below.

Main Issue

2. I consider that the main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

3. Access to the proposed development is characterised by narrow roads which are steep in parts with limited visibility at some of the junctions. The Council and the appellant agree that the existing road layout in the vicinity of the proposed development does not meet current recommended highway standards. I concur with this view although I note from my site visit that this is a feature of a significant part of the minor road network serving the residential areas on either side of Manchester Road in Thurlstone.

4. It is intended that the proposed dwelling would use an existing garage and two parking spaces accessed from High Bank Lane. This facility is currently within the curtilage of 149 Manchester Road and available for use by the occupiers of that property and their visitors. If the development is allowed then the appellant has indicated that the occupiers of 149 Manchester Road would retain for their use an alternative garage which adjoins their main dwelling. This is accessed from a short service road which runs parallel to Manchester Road.

5. I have seen no evidence to suggest that use of the parking facility on High Bank Lane for access to the proposed development would be significantly greater than its current use. I have also taken into account that there are a number of

existing dwellings which rely on access via Hedge Hill, High Bank Lane and High Bank for all their access requirements including that by emergency and servicing vehicles. On this basis, I consider that the proposed dwelling would be unlikely to result in any significant increase in traffic or safety problems on the minor roads which lead to the appeal site.

6. During the construction of the new house there would be a requirement for heavy vehicles to use the minor road network to the site including the narrow section of High Bank Lane. This would create some difficulties particularly in terms of the potential for delays to other road users due to the likely blockages of the narrow carriageway. However, I have no reason to believe than this would be other than a short term inconvenience during the construction phase. Given the nature of the access roads to the site, the speed of these vehicles should be low and therefore highway safety problems should be minimised.

7. I have seen no convincing evidence to substantiate the Council's view that there would be significant vehicular activity associated with the importation or excavation of material during the construction of the proposed development. The design of the proposed dwelling is sympathetic to the nature of the sloping site and this should reduce the requirement for such works.

8. I have also considered the Council's argument that the grant of planning permission would set a precedent for other similar developments leading to an intensification of use of a sub-standard access road. No similar sites to which this might apply were put forward and I consider that, given the special circumstances in this case with regard to the proposed use of an existing access, the likelihood of it being used as a precedent should be significantly reduced.

9. I conclude that the proposed development would have no materially harmful effect on highway safety. It would not therefore conflict with the objectives of Policies H8A and T2A in the Barnsley Unitary Development Plan.

10. For the reasons given above and having had regard to all other matters raised, I consider that planning permission should be granted subject to the conditions set out in the schedule below. These are based on those suggested by the Council, to which the appellant had no objections. Where necessary I have amended the suggested conditions in the interests of clarity and precision. I have also combined some for the sake of brevity. Conditions (2) to (4) are needed to ensure that the external appearance of the development and its landscaping would be in keeping with the character and appearance of the surroundings. Conditions (5) to (7) are necessary in the interests of highway safety.

11. The condition suggested by the Council relating to the development being carried out strictly in accordance with the plans is unnecessary, as I refer to the submitted plan in my formal decision. Similarly there are no special characteristics of the site which justify a condition restricting permitted development rights. Details of the foul and surface water drainage can be controlled by building regulations, and conditions relating to the parking area are unnecessary as it is proposed to retain an existing facility.

Christopher Millns

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

2) No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

3) No development shall take place until there has been submitted to, and approved in writing by, the local planning authority, a scheme of hard and soft landscaping, which shall include details of the species, positions and planting sizes of the trees and shrubs to be planted together with details and condition of any existing trees and hedgerows to be retained and the development shall be carried out in accordance with the approved scheme. All planting, seeding and turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

4) Prior to the commencement of development, plans to show the following levels shall be submitted to and approved by the local planning authority; finished floor levels of all buildings; road levels; existing and finished ground levels. Development shall be carried out in accordance with the approved details.

5) Within a strip of land 2.0m deep measured from the carriageway edge of High Bank Lane along the full frontage of the site, nothing shall be planted or erected which exceeds 1.05m in height above the level of the carriageway edge.

6) No development shall take place until details of all highway retaining structures, including specifications and calculations, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7) No development shall take place until the following details have been submitted to and approved in writing by the local planning authority:

   (a) details of the measures to be taken to prevent mud and debris from being deposited on the public highway by vehicles leaving the site during construction;

   (b) details of the areas to be made available for the parking of vehicles, plant and the storage of building materials during the construction period.

   All the measures thus approved shall be fully installed and implemented in accordance with the approved details before any development commences and shall be retained and used for their intended purposes for the duration of the construction period.