

## Appendix A

### Appeal by Mr James Muse

Site at rear of 109 Middlecroft Road, Chesterfield.

CHE/16/00717/FUL

2/3026

1. Planning permission was refused on 7<sup>th</sup> February 2017 for four dwellings on land to the rear of 109 and 111 Middlecroft Road.
2. The reason for refusal was:  
The layout of the houses leads to 3 out of the 4 houses having insufficient private amenity space, with properties 1-3 failing the requirement to have a minimum of 70 sqm space, as referred to in the Successful Places SPD (2013) sections 3.11.15-20. In terms of design, layout and highway safety the scheme is not considered to appropriately respond to the site parameter constraints to protect the amenity of future occupants. It is also considered that the application site is accessed via a 'roadway' which is substandard in terms of the width of the access driveway and is therefore unsuitable to safely cater for the vehicular traffic associated with the proposed residential development. Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety and residential amenity it is considered that the development proposals pose an adverse risk to highway safety and do not provide sufficient amenity space for future residents.
3. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
4. The main issue in this case is i) the effect of the proposed development upon highway and pedestrian safety; and (ii) whether all the dwellings would provide acceptable living conditions for future occupiers in respect of private amenity space.

#### *Highway Safety*

5. The access is an existing access between Nos 109 and 111. The access is off Middlecroft Road which is traffic calmed and is a bus route. Visibility onto the road from the access is good

in both directions. However, the access is too narrow to allow two vehicles to pass and, at a distance of some 45m, it is fairly long. The Local Highway Authority says that where an access is bound by a wall fence or hedge, as in this case, the width should be a minimum of 5m. However, in this case the access is about 4.2m wide. This means that there is no room for refuge for pedestrians whilst cars are travelling along the access. In addition, if a car was coming out of the site, a car entering would have to wait / and or reverse onto the road to let the exiting vehicle pass. This would cause an obstruction and hazard on the highway. Whilst vehicles could turn within the site, this would not overcome the lack of 2-way movement. Furthermore, there is insufficient space on the drive to leave bins whilst allowing adequate room for cars to pass. Therefore, on bin collection days, it is likely that about 8 bins would be left on the highway or at the end of the drive. This would further obstruct cars and pedestrians. The inspector was aware that planning permission exists for 2 dwellings on the site but this proposal for 4 dwellings would represent a more intense use of the access.

6. The inspector concluded that the proposed dwelling would harm highway and pedestrian safety. Consequently, it would conflict with Policies CS2 and CS18 of the Chesterfield Local Plan Core Strategy, 2013 (CS), which indicate that development should provide adequate and safe vehicular access.

#### *Living Conditions*

7. The Council's Successful Places Supplementary Planning Document, 2013, (SPD) says that family houses are likely to require larger gardens and Table 4 of the SPD specifically says that 3 bedrooled houses should provide a minimum of 70 SqM of outdoor amenity space. Plot 4 would have around 71SqM of amenity space but the rear gardens of Plots 1-3 would be of around 60SqM in area. As the proposed houses are 3 bedrooled this provision would not comply with the minimum standards. There would be inadequate private space for a combination of simultaneous outdoor family activities such as children's play, sitting out, growing plants and drying washing.

8. The inspector concluded that three of the dwellings would not provide acceptable living conditions for future occupiers in respect of the provision of private amenity space. Consequently, there would be conflict with CS Policies CS2 and CS18 which seek to ensure that development provides an acceptable level of amenity for its users.