

Appendix C

Appeal by Mrs Gail Freeman

Vehicle Access at 125 Ringwood Road, Brimington, Chesterfield.

CHE/19/00187/FUL

2/5840

1. Planning permission was refused on 16th May 2019 for a vehicle access to 125 Ringwood Road, Brimington for the following reasons:

1. The proposed development, involving the creation of a new vehicular access to Ringwood Road would introduce traffic movements to and from the public highway at a point where emerging visibility is restricted due to the width of the fronting footway, thereby leading to danger and inconvenience to other highway users. No adequate provision is included in the application proposals for the parking and manoeuvring of vehicles clear of the public highway, which would be likely to result in reversing onto or off of the public highway, which would be detrimental to highway safety. The provision of a vehicular access with adequate visibility splays would involve the use of land, which lies outside the applicant's control, and therefore the visibility for drivers is substandard and likely to lead to conditions prejudicial to highway safety. The proposal is therefore contrary to the advice contained within the N.P.P.F and conflicts with Policy CS20 of the Adopted Chesterfield Borough Council Local Plan Core Strategy 2011-2031.
2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue considered is the effect of the proposal on highway safety. The site is a semi-detached house on Ringwood Road which has residential properties on both sides of the road. There is a footway fronting the highway on the appeal side only. The property is bounded by a brick wall and pedestrian gates. Ringwood Road is the A619, a main road into and out of Chesterfield town centre. In this location the road is steeply sloping with a bend at the bottom of the hill.

Although the inspector had no information before her on traffic levels, average speed of traffic or accident data and whilst her site visit can only represent a snap shot in time, as expected with a main classified road, it appeared to the inspector to be a busy road.

4. The inspector was unconvinced that a vehicle could manoeuvre within the space and as such is likely to either reverse into or out of the parking space. The Council has indicated that visibility splays of 2.4m x 47m in both directions, based on the speed limit of 30mph, would be required at the proposed access. There was no reason for the inspector to disagree. However, no details of any proposed visibility splays had been provided. As such, based on the limited information before the inspector, she was not persuaded that the necessary visibility splays could be secured in both directions on land under the control of the appellant. Reversing onto the highway in this location would be hazardous to vehicles travelling along the road as well as pedestrians using the footpath and would be unacceptable and even if vehicles were to reverse onto the site and leave in a forward gear, the proposal would be detrimental to highway safety.
5. There are several local examples of dwellings which have dropped kerbs and parking spaces at the front of the dwellings. Nevertheless, the inspector determined the appeal on its own merits and the visibility and steepness of the road at this location are factors which have been taken into account. The inspector considered the personal circumstances of the appellant and noted that the front garden had become difficult to manage. The inspector acknowledged the benefits that additional parking off the highway at the front of the property would bring due to the constrained parking area to the rear of the property for visitors. However, these matters do not outweigh the harm identified in respect of highway safety.
6. The inspector noted that the appellant indicates that the proposal is for the parking of occasional visitors only. Whilst this may be the case for now, planning permission runs with the land and circumstances may change in future. Furthermore, it would be difficult to control who parked in the space. A condition requiring that the use of the space be

limited to visitors would not be enforceable and would not therefore meet the tests for conditions set out in the Government's Planning Practice Guidance. Moreover, limiting the use of the space in this way would not negate the impact of vehicles reversing onto or off the highway on vehicular and pedestrian safety.

7. The inspectors attention was drawn to the construction of the Brimington/Staveley bypass although there were no specific details of this before her and no analysis of the impact that it will have on traffic on the A619. Consequently, these issues do not carry any weight in determining this appeal and did not alter the inspectors view on the main issue.
8. The inspector also had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the appeal should succeed.
9. For the above reasons the formation of a dropped kerb and vehicle parking at 125 Ringwood Road would be detrimental to highway safety. The proposal would therefore conflict with policy CS20: Influencing the demand for travel, of the Adopted Chesterfield Borough Council Local Plan Core Strategy (July 2013) which, amongst other things seeks ensure development has an acceptable impact on the functioning and safety of the highway network.