

TITLE: PLANNING APPEAL RESULT – Land to rear of 4 Victoria Drive, Haslingden, BB4 4DT

TO/ON: DEVELOPMENT CONTROL COMMITTEE
Tuesday 27 June 2006

BY: DIANE DUNGWORTH

LEAD MEMBER: Councillor Challinor

STATUS: PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1. To inform Committee members of the result of the appeals

2. RECOMMENDATIONS

- 2.1 That the report be noted

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 2005/372 – This planning application was received on 16 June 2005 and related to: (Outline) - Erection of Split Level Bungalow with detached garage.

- 3.2 The planning application was refused on 27 July 2005 for the following reasons:-

It is considered that the proposed dwelling is not currently required to meet the housing requirement of the Borough, The proposal is therefore considered to be contrary to the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016.

This resulted in an appeal being lodged and being dealt with by the written procedure. The appeal was dismissed on 10 April 2006, for the reasons given in the decision letter of the Planning Inspectorate, a copy of which is appended to this report.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1. FINANCE AND RISK MANAGEMENT

4.1.1. Quality service, better housing, the environment, regeneration and economic development, confident communities.

4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1. N/A

4.3. HUMAN RESOURCES

4.3.1 **Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

5. ANY OTHER RELEVANT CORPORATE PRIORITIES

5.1. N/A

6. RISK

6.1. N/A

7. LEGAL IMPLICATIONS ARISING FROM THE REPORT

7.1. N/A

8. EQUALITIES ISSUES ARISING FROM THE REPORT

8.1 N/A

9. WARDS AFFECTED

Helmshore

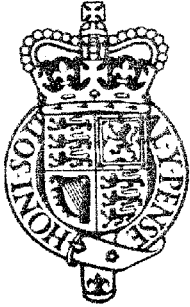
10. CONSULTATIONS

The appeal was advertised by site notices.

11. Background documents:

11.1 The appeal decision letter

For further information on the details of this report, please contact: Mr P Talbot on 01706 238637.



Appeal Decision

Site visit made on 13 March 2006

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA**

an Inspector appointed by the First Secretary of State

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Date

Appeal Ref: APP/B2355/A/05/1194749

Land to the rear of 4 Victoria Drive, Haslingden, Rossendale, Lancashire BB4 4DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs M Berry against the decision of Rossendale Borough Council.
- The application Ref 2005/372, dated 9 June 2005, was refused by notice dated 27 July 2005.
- The development proposed is a split level bungalow with detached garage.

Decision

1. The appeal is dismissed.

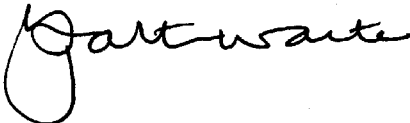
Reasons

2. The Council has not submitted an appeal statement but has included with the appeal questionnaire a report prepared by their Development Control Team Manager at application stage. The report states that "The application relates to the principle only of developing the site with all other matters reserved for subsequent approval". This statement is incorrect as the application form indicates that siting and means of access 'are being applied for'. The two matters are for consideration and a matter, particularly one of acknowledged importance such as safety, does not need to be the subject of a reason for refusal of an application for it to be a relevant and legitimate issue at appeal stage.
 3. 4 Victoria Drive is a detached dwelling with a rear garden that slopes down to a frontage onto Deansgrave, a cul-de-sac that provides access to the rear of three terraced dwellings on Helmshore Road and to three terraced dwellings and a detached dwelling on Deansgrave. The appeal site is the rear part of the rear garden of 4 Victoria Drive. The proposal is for the construction of a dwelling and garage in front of which would be a parking area with access off Deansgrave. Residents of Deansgrave and Helmshore Road and the highway authority raised concerns at application stage about safety on the means of access to the site and the Appellant has commented on these concerns, particularly those raised by the highway authority.
 4. Deansgrave is mainly unmade, has no footpaths and slopes steeply up to a junction with Helmshore Road where there is substandard visibility to the left for drivers of vehicles exiting Deansgrave. Front entrance and garage doors open directly onto Deansgrave which is too narrow for two way traffic. There are no protected areas for pedestrians and vehicles manoeuvre in confined spaces. All of these characteristics combine to create a location where there is the probability of vehicle/pedestrian conflict and where vehicles exiting onto Helmshore Road, given sub-standard visibility, are likely to compromise highway safety. The proposed development would result in an increase in vehicular and pedestrian activity on Deansgrave.
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Any increase in such activity would increase the likelihood of vehicle/pedestrian conflict and would further compromise highway safety. The Appellant argues that activity associated with the proposed development would replace activity associated with unauthorised parking on the appeal site. There is no reason to suppose, however, that the current activity would be permanent unlike that which would be the result of the proposed development.

5. The proposed development of a detached dwelling and garage would result in a permanent increase in vehicular and pedestrian activity on Deansgrave which would, given the aforementioned characteristics of this sole means of access to the site, seriously compromise safety for vehicles and for pedestrians. Safety is a matter of acknowledged importance and the harm that would be caused to safety is sufficient reason to withhold outline planning permission.

6. The sole reason for refusal of the application relates to the housing requirements of the Borough under the provisions of the Joint Lancashire Structure Plan (SP). Insufficient evidence has been provided by the Council to support dismissing this appeal, given that uncontested evidence indicates that the Council has been inconsistent in applying these provisions, on the grounds of housing requirements. However, neither this matter nor any other matter mentioned in support of the appeal, either individually or collectively, outweighs the harm that would be caused to vehicular and pedestrian safety.



Inspector