

---

# Appeal Decision

Site visit made on 11 February 2015

**by Farooq Rafiq BSc (Hons), MCD, MRTPI**

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

**Decision date: 21 March 2015**

---

**Appeal Ref: APP/Y2736/A/14/2223915**  
**57 Westgate, Rillington, Malton, YO17 8LN**

- 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 Andrew Craven against the decision of Ryedale District Council.
  - The application Ref 14/00499/FUL dated 30 April 2014 was refused by notice dated 26 June 2014.
  - The development proposed is the change of use and extensions to existing 3 bedroomed dwelling to form 2 No. 3 bedroomed dwellings.
- 

## Decision

1. The appeal is dismissed.

## Procedural matter

2. The appeal were made before the publication of the 2012–based Household Projections for England, 2012-2037. Its contents have been considered but in light of the facts in this case, they do not alter my conclusions.

## Main Issue

3. I consider the main issue to be the effect of the proposed development on highway safety.

## Reasons

4. The two storey appeal building fronts the A64, a typical arterial route through the settlement which is punctuated by a number of side roads and other accesses. The vehicular access to the appeal site is provided off one such side road, Collinsons Lane, with the junction of Collinsons Lane and the A64 Westgate being situated a short distance to the north of this access. A wall and fence exist either side of the access, which restricts visibility for vehicles exiting the site. Both roads in the area around the appeal site are within a 30mph speed restricted area.
  5. The proposal, which would see the creation of two dwellings, would utilise the existing access and provide parking for a total of four vehicles. Manual for Streets (MfS) provides advice on both visibility requirements and stopping sight distances. Given that Collinsons Lane is lightly trafficked, MfS considers an 'X'
-

distance of 2m to be acceptable. The stopping site distance (SSD) determines the length of visibility splays in both directions, the 'Y' distance. The Highway Authority state that vehicle speeds of 20mph from the north (travelling away from the A64) and 28mph from the south (travelling towards the Collinsons Lane junction with the A64) are appropriate, which, according to MfS suggests a safe stopping distance of 25m and 39m respectively, when adjusted for bonnet length. A radar speed check was undertaken by the Authority of vehicle speeds on Collinsons Lane around the appeal site, which generally show lower speeds than the Highway Authority's observed and estimated speeds.

6. Whilst I note the limitations of the radar speed check survey and that it is a complex assessment, having visited the site I was able to observe traffic, and consider the speeds of vehicles travelling north along Collinsons Lane to be representative of the surveyed vehicle speeds. When utilising these speeds, the SSD with adjustment for bonnet length, is a minimum of around 33m to the south of the access based on a 85 Percentile speed. The available distance is only around 12.5m and consequently, the visibility splays set out in MfS cannot be achieved to the south of the access.
7. The visibility for the drivers will be restricted when exiting the site, whether or not vehicles are parked on the highway. Consequently, whilst drivers could move out from the access, a large part of the front of vehicles would project into the highway before a driver has a view of the road. This situation would cause a significant hazard for drivers approaching the site from the south, as it would not allow sufficient time to see such vehicles and take action to avoid them.
8. Based on my observations, I do however agree with the appellant that vehicles travelling southbound, having just turned off the A64, would be travelling at a low speed. The Highway Authority also acknowledge that vehicles turning at this junction and travelling south are not in free flow and the majority of recorded speeds in their survey at one location fell below 10mph.
9. I have noted the appellant's comments that Collinsons Lane is a minor road and whilst it may be lightly trafficked, I was able to see a regular flow of vehicles in both directions. I also note that this road may only serve a limited number of dwellings and farmsteads, but not all drivers will be familiar with the local road network. I appreciate the appeal proposal would only result in one additional dwelling but this does not justify the appeal proposal, which would result in increased harm to highway safety. I note concerns relating to the adequacy of the proposed parking provision, but amended plans were considered by the Council which increased parking to two spaces per dwelling, which I consider to be adequate for the size of dwellings proposed.
10. I therefore conclude that the development would be detrimental to highway safety and contrary to Policy SP20 of The Ryedale Plan - Local Plan Strategy (Local Plan) which requires, amongst other matters, for there to be no detrimental impact on road safety. Whilst the Council's visibility assessment matrix may only be guidance, the proposal would also be contrary to technical advice within MfS and have a severe impact on highway safety, contrary to paragraph 32 of the National Planning Policy Framework.

11. My attention has been drawn to a nearby approval ('The Paddocks') off Collinsons Lane but I have not been provided with the full details of that development. I also note that the Highway Authority state that this referenced development required an estate road to be constructed to adoptable standards, which included the provision of an appropriate visibility splay to the north. In any event, each application and appeal falls to be considered on its own merits and I have determined this case on the basis of the evidence before me.
12. I note comments relating to the effect of the proposal on the living conditions of a neighbouring occupier and future occupiers of the proposed dwellings in relation to private garden space. However, the amended scheme would provide some separation from the proposed parking area to the nearest neighbour's window and despite the limited amount of private amenity space, the proposal would incorporate sufficient outdoor space for activities such as hanging the washing. I do not therefore consider that the proposal would have an unacceptable effect on the living conditions of existing or future occupiers.

### **Conclusion**

13. For the reasons given above and having considered all other matters raised, including support in some Local Plan policies for the proposed development on the basis it would provide additional housing within an identified Local Service Centre, the accessibility of the site to public transport and the appropriate design of the scheme, the appeal should be dismissed.

*F Rafiq*

INSPECTOR