



Appeal Decision

Site visit made on 30 January 2024

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2024

Appeal Ref: APP/F4410/D/23/3330503

1 Mallin Drive, Edlington, DONCASTER, DN12 1HB

- 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 and Mrs Demeny against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 23/01222/FUL, dated 29 June 2023, was refused by notice dated 9 August 2023.
 - The development proposed is described as 'Creation of a new vehicular access at the rear with a 4x6m driveway and installation of a sliding gate'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issues of this appeal, I have not sought comments on the revisions.

Main Issue

3. The main issue is the effect of the proposal on highway safety and whether a safe and suitable access could be achieved.

Reasons

4. The proposal seeks to install hardstanding to form a parking area of circa 4 x 6 metres (m) with a sliding gate on the rear boundary of No.1 Mallin Drive. To the rear of the appeal property is a roughly triangular parcel of land ('the space') which includes a hard surfaced track, substation building, grassed areas, two concrete pads and section of compacted ground.
5. The Council have made clear that they do not object to the installation of the hardstanding and the sliding gate in the rear garden of the host property. Rather, it is the requirement to navigate the space to the rear to access and egress the public highway at Linden Grove from the appeal site which is of concern.
6. My attention is drawn to the South Yorkshire Residential Design Guide 2011 (RDG) which advises in section B.1.1.11 that private driveways should have a minimum carriageway width of 3.1m and passing places of minimum width of 4.5m and minimum length 6m may be required depending on the length of the private drive, at the discretion of the Highway Authority.

7. The Council advises the width of the track leading to Linden Grove is 2.5m wide. I note this is not disputed and from all I have seen and read I have no reason to doubt the measurement is accurate. This would fall significantly below the minimum requirement of 3.1m and/or 4.5m to allow vehicles to pass one another.
8. When exiting the appeal site, vehicles would turn right and move along the track to join the highway. The track bends slightly to the right here, which I observed would partially hinder visibility approaching Linden Grove given the location of the house in that location. This would be on the narrowest section of the track and would increase the risk of collision with other vehicles. It would not be possible for two vehicles to pass one another, which would necessitate one vehicle reversing and allowing the other to pass. This would have the knock-on effect of potential conflict with pedestrians, who I observed using the space to cut between the large open grassed area to the southwest and Linden Grove on my site visit.
9. I note the appellant advises that the proposal does not create a private driveway in the context of the RDG guidance. Rather, the new driveway would be located in the rear garden of the host property and the track through the space is existing. However, the use of the newly created parking area would require movement between the appeal site and Linden Grove to occur via the space to the rear.
10. I understand other vehicles already park in the space, while No.24 has a driveway. However, the Council maintains that planning permission has not been approved for any of these and there is no formal arrangement in place. Approval is sought here for access to the highway and as the track does not meet the requirements of the RDG, I share the concerns of the Council that visibility and safe access/egress could not be achieved. This has not been adequately demonstrated on the plans. Although it is suggested that an audible and flashing light could be installed, it is unclear as to how this would work or what knock-on effects this could have on living conditions of neighbouring dwellings with regards to increased noise.
11. Allowing this proposal to proceed could also set a precedent for future similar proposals. Although generally speaking I agree that each proposal is assessed on its own merits, the Council may find it difficult to resist future proposals of this nature which would further increase the number of users of the space on the narrow track. As such, on this occasion, I share the concern of the Council that a precedent could be set.
12. Bringing things together, the proposal would be contrary to policy 13 of the Doncaster Local Plan 2015 - 2035 (DLP) (adopted September 2021) which seeks to ensure development does not result in unacceptable impact on highway safety. This would also be contrary to the RDG and paragraphs 114 and 115 of the Framework. These advise that safe and suitable access to the site can be achieved for all users and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
13. I have taken the appellant's comment on board regarding the wording of paragraph 115 of the Framework. However, the use of the word 'or' is clear in linking the alternative assessments and for my judgement of this proposal to

be unacceptable does not also require the residual impacts on the road network to be severe.

Other Matters

14. There were no public objections to the scheme during the application process nor were any submitted at appeal stage. Be that as it may, a lack of objection would neither weigh in favour nor against the proposal.
15. It is asserted that the proposal would increase natural surveillance of the rear space which would be of benefit. I have not been made aware of any anti-social behaviour or crime in that location. Regardless, any benefit in this regard would be minimal and offer little in favour of the scheme which would not outweigh the harm.
16. I note the comments of parties regarding the extent of the red line on the submitted site location plan. As I am dismissing the appeal, I have not taken this matter further.

Conclusion

17. The proposal would harm highway safety and not provide a safe and suitable access. As such it would conflict with the development plan taken as a whole, as well as the Framework and RDG. I have taken into account the benefits of the scheme, although the weight attributed to these would not outweigh the harm. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR