



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 19/06/13

**gan Emyr Jones BSc(Hons) CEng
MICE MCMI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03/07/13

Appeal Decision

Site visit made on 19/06/13

**by Emyr Jones BSc(Hons) CEng MICE
MCMI**

an Inspector appointed by the Welsh Ministers

Date: 03/07/13

Appeal Ref: APP/H6955/A/13/2194032

Site address: 28 Penygraig Road, Brymbo, Wrexham LL11 5AE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Miss Cathy Hughes against the decision of Wrexham County Borough Council.
- The application Ref BRY P/2012/0478, dated 2 July 2012, was refused by notice dated 1 October 2012.
- The development proposed is the lowering of outside kerb for driveway access.

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case to be the effect of the proposal on highway safety on Penygraig Road.

Reasons

3. Because of its location immediately adjacent to the boundary with No 29, the driveway access would provide the driver of an emerging vehicle with extremely poor visibility to the right. The Council estimates that at a distance of 2.4m back along the centre of the access from the edge of the road, the nearside kerb could only be seen for 6m or so from the centre of the access. This needs to be compared against a figure of 33m recommended by relevant guidance, assuming that 85th percentile wet weather vehicle speeds on the road are 25 mph. In such a situation, I am of the opinion that vehicular use of the access would result in an additional and unnecessary hazard to other vehicles and pedestrians. The proposal would, therefore, be harmful to highway safety on Penygraig Road and it conflicts with *Wrexham Unitary Development Plan* policy GDP1.
4. The Council is also concerned that a vehicle would not be able to enter and leave the site in a forward gear, thereby increasing the probability of vehicles reversing out into the road. In my view, a vehicle reversing out of an access with such poor visibility as described above would pose an even greater risk to other vehicles and pedestrians than one leaving the site in a forward gear, thereby exacerbating the harm already identified.

5. I recognise that in locations such as Penygraig Road there are benefits to the free flow of traffic from reducing on-street parking, particularly so as the road is on a bus route. I also accept that cars parked within the curtilages of dwellings are far less prone to damage than those parked on street. Nonetheless, I am of the view that such benefits are not sufficient to outweigh the harm to highway safety that would result from the use of an access with such sub-standard visibility as proposed in this case.
6. The appellant draws attention to other accesses in Brymbo which have inadequate visibility or which are close to junctions. However, I am not aware of the individual planning circumstances of these cases and it is possible that many do not benefit from planning permission but are immune from enforcement action due to the length of time that they have been in existence. Furthermore, it is an accepted planning principle that applications and appeals are determined on their individual merits, which is what I have done in this case.
7. For the reasons given above I conclude that the appeal should be dismissed.

E Jones

Inspector