



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/08/11

**gan Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 31/08/11

Appeal Decision

Site visit made on 08/08/11

**by Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM**

an Inspector appointed by the Welsh Ministers

Date: 31/08/11

Appeal Ref: APP/H6955/A/11/2153374

Site address: Hawthorn Cottage, Tallarn Green, nr Malpas, Cheshire, SY14 7LL

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 Mr D Parry against the decision of Wrexham County Borough Council.
 - The application Ref WOR P/2008/1098, dated 30 September 2008, was refused by notice dated 4 April 2011.
 - The development proposed is the erection of a new build dwelling with integral garage on the existing side garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is no dispute on the principle of the proposed development. The main issue in this case is whether or not a safe access could be provided on to the classified road.

Reasons

3. The proposed scheme would provide a new shared access off the road serving both the proposed new house and Hawthorn Cottage, which currently has an access closer to the bend a few metres to the south east. Along this stretch the road is subject to a 30 mph speed limit, and a traffic survey commissioned by the Appellant found 85th percentile speeds to be 29 mph north-to-south and 30 mph south-to-north. For a speed of 30 mph Manual for Streets recommends a stopping sight distance of 43 metres (including allowance for a car bonnet length). The proposed new access would not meet this standard.
4. It is reported that visibility distances from a 2.4 metres setback position would be some 35 metres towards the south-east and 24 metres towards the north-west measured along the nearside edge of the carriageway. If these assessments were related to the likely positions of vehicles on the road, the visibility distances would be somewhat higher but there would still be a significant deficiency in visibility towards the north-west. Manual for Streets 2 advises that a reduction in visibility below the recommended levels will not necessarily lead to a significant problem. However, in this case the reduction would be substantial, and I consider the increased risks to highway safety would be problematic.

5. An acceptable visibility distance towards the south-east could be secured by ensuring the roadside hedge along the front of Hawthorn Cottage and the proposed new house was of limited height. This could be controlled by a suitable planning condition. However, part of any acceptable visibility distance to the north-west would be over the front boundary wall and hedge of the neighbouring property, Riverside, over which the Appellants have no control. Whilst an increase in height of the wall could be controlled by the Council, the growth of a higher hedge could not.
6. It has been suggested that the hedge may be on land owned by the highway authority and that the neighbouring owners would be unlikely to introduce a higher hedge. However, these comments are unconfirmed or speculative. The safety of road users is of paramount importance and, even allowing for reduced risks associated with the existing access for Hawthorn Cottage, the use of the proposed access for 2 properties would involve reliance on substandard visibility distances with significant risks to highway safety.
7. I have taken into account all matters raised but nothing outweighs the considerations that have led me to my main conclusion that the proposed development would involve unacceptable risks to highway safety due to an access with a substandard level of visibility. For this reason I conclude that the appeal should be dismissed.

Clive Nield

Inspector