The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/10/16

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 29 Tachwedd 2016

Appeal Decision

Site visit made on 10/10/16

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date : 29 November 2016

Appeal Ref: APP/G6935/A/16/3157126
Site address: Land adjacent to 11 Curie Close, Malpas, Newport, NP20 6FJ

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 Noal Griffiths against the decision of Newport City Council.
- The application Ref 16/0202, dated 2 March 2016, was refused by notice dated 20 April 2016.
- The development proposed is the construction of 2 new semi-detached houses.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of the appeal the appellant submitted a Planning Agreement under the provisions of S106 of the Town and Country Planning Act 1990, dated 21 October 2016, and amended on the 24 October 2016 (the S106 agreement). This provided for a financial contribution towards affordable housing.

Main Issue

3. The main issue in this case is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is located to the east of 11 Currie Close. Currie Close itself is a *cul de sac* that serves a number of residential properties. These properties do not benefit from off-street parking. During my site visit the Close seemed well used and a number of cars were parked along its length straddling the pavement. Whilst my site visit represents a brief period of time I have no reason to presume that this does not represent the usual pattern of use and parking.

5. The appellant has suggested that speeds along Currie Close would be slow. I accept that speeds are certainly slower than the 30mph speed limit because of the amount of on-street parking, the residential nature of the area and the narrow width of the road. Even so, whilst speeds would be generally slower than the speed limit there is no evidence to suggest that speeds would be so slow as to materially minimise risk to highway users.

6. Given the narrow width of Currie Close cars meeting on it would have to reverse in order to gain room to manoeuvre and pass safely. This would lead to vehicles reversing back onto the carriageway of Rutherford Hill. I consider that this situation is likely to present more than just an occasional inconvenience. Given the level of existing and proposed traffic and the level of adjacent parking which restricts visibility, it is likely to present a risk to road safety. Moreover, it would also present a material risk to pedestrians using the Close, particularly those with mobility problems or small children in prams, who would have to use the road given that vehicles straddling the pavement significantly reduce its width.

7. I acknowledge that the proposal has not raised any objections from local residents and neither would it harm the living conditions of neighbouring occupiers. I also accept that the site is in a sustainable location in terms of its accessibility to local services and facilities. However these matters do not overcome the harm I have found to highway safety. Moreover, whilst the appellant states that the proposals represent the most efficient use of the land as set out in Planning Policy Wales (PPW), such development should not be at the expense of highway safety.

8. My attention has drawn to previous planning applications, said to represent similar circumstances to the appeal now before me. Reference is also made to a previous appeal on a similar site, details of which are not before me. Even so, these schemes where considered under a different Development Plan to this appeal, which I have determined on its own merits.

9. Overall, the proposal would lead to an additional two households using Currie Close which I consider has significant shortcomings in terms of its width. The individual risks I have identified may not be conclusive but the cumulative impact of the development is, I conclude, likely to create a situation that would lead to an overall significant risk to road safety. The proposal therefore conflicts with policies GP2 and GP4 of the Newport Local Development Plan (2015), which seek to protect the safety and convenience of road users and promote road safety.

Other matters

10. At the request of the Council the appellant has submitted a properly completed S106 agreement to secure a contribution towards affordable housing. The tests specified in Welsh Office Circular 13/97 Planning Obligations apply to such agreements. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against these requirements.

Conclusions

11. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Joanne Burston

INSPECTOR