



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 30.08.2023

Appeal reference: CAS-02748-D5F5G5

Site address: Springfield Cottage, Queen Victoria Street, Tredegar, Blaenau Gwent, NP22 3QA

- 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 Crieg Jones against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2022/0301, dated 15 October 2022, was refused by notice dated 12 January 2023.
 - The development is described as 'Retain bungalow and parking areas for Springfield Cottage and modified access'.
 - A site visit was made on 25 July 2023.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission for the bungalow was originally granted with the approved access being from Queen Victoria Street. The bungalow has been constructed and the Council has no issue with its effects on visual or residential amenities. I do not disagree. However, owing to land ownership matters relating to the approved means of access, the appeal seeks retrospective planning permission with an alternative access from a rear lane leading from Marian Close. I have considered it on this basis. The main issue therefore is the effect of the development on highway and pedestrian safety.

Reasons

3. The access to which this appeal relates is a narrow unlit rough track with no footways, accessed off Marian Close. The lane is single track in width for the majority of its length, only widening in a few places at and beyond the appeal site. The lane serves as vehicular and pedestrian access for a small number of dwellings and field accesses before it narrows to bollards, allowing only pedestrian or cycle access beyond this point, leading to Oliver Jones Crescent to the northeast.

4. The development utilises this substandard unadopted rear lane as the sole access for its occupants, and for visitors and service traffic. Its use would therefore be significantly increased by the development, including by large service or delivery vehicles. Visibility at the lane's access onto Marian Close is extremely limited due to the high boundary fence to the south. Drivers emerging from the lane and those approaching from the south would therefore have little warning of one another. Its limited width also prevents vehicles entering and exiting the lane at the same time which would result in drivers either having to wait on Marian Close for vehicles to exit the lane, or potentially backing out onto the highway if a vehicle, especially a larger vehicle, is encountered on the lane. All of this results in a significant risk of conflict between vehicles accessing and egressing the lane and vehicles using Marian Close.
5. Owing to the lane's narrow width, limited passing bays for its entire length leading to the appeal site, and limited areas for pedestrian refuge, there is insufficient space for vehicles, pedestrians and cyclists to pass each other safely. The intensification in the use of this lane increases the likelihood of vehicles having to undertake awkward reversing manoeuvres along this narrow substandard lane to accommodate any oncoming vehicles, pedestrians or cyclists.
6. The parking area provided to serve the bungalow is perpendicular to the rear lane and has no dedicated turning area within the property and therefore the turning manoeuvres would have to take place within the lane. Although the submitted plans show 2 parking spaces, the Council are satisfied that the required 3 spaces can be provided within the area that has been constructed and I concur with this. However, both the east and west side boundaries abutting the parking area consist of high walls and fencing obstructing the visibility of pedestrians from vehicles egressing the parking spaces, particularly when all 3 spaces would be occupied, resulting in the potential for conflict between vehicles and pedestrians.
7. I note that there were previously dwellings on the site which were demolished some time ago. The appellant contends that these dwellings benefitted from vehicular access from the rear lane. Nonetheless, any new development should be assessed in the light of current policies and standards. Any historic use of the lane would not justify perpetuation of poor highway conditions with the harm I have identified. For these reasons, I have given this limited weight in my decision.
8. The appellant has referred me to other dwellings which use the eastern section of the lane beyond the bollards as their primary access. However, the lane at this point is wider, has a different access and these dwellings appear to have been built some time ago. Therefore, these dwellings are not directly related to the development before me, and I have determined the appeal on its own merits.
9. I therefore find that the development results in material harm to highway and pedestrian safety. This is contrary to Policy DM1 (3) a,b,c and d of Blaenau Gwent County Borough Council Local Development Plan (LDP) which seeks to, amongst other things, ensure that all development is accessible and does not hinder the safe and efficient operation and use of the transport network.

Conclusion

10. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution

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towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

H Smith

INSPECTOR