

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **4TH SEPTEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. ANDREW ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE AT SEA VIEW, MAIN ROAD, FFLNNONGROYW – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 050334

2.00 APPLICANT

2.01 Mr. A. Roberts

3.00 SITE

3.01 Sea View, Main Road, Ffynnongroyw, Holywell, CH8 9SN

4.00 APPLICATION VALID DATE

4.01 5TH December 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's appeal decision on the above application which was refused under officer delegated powers and. The appeal was considered by way of exchange of written representations and unaccompanied site visit and was dismissed.

6.00 REPORT

6.01 The Inspector considered the main issue to be the effect of the proposal on public safety. The site is one of pair of semi detached houses facing Main Road, Ffynnongroyw, it has a long garden bounded to the rear by a Public Right of Way, (PROW) known locally as Well Lane. The double garage was proposed to be located to the rear of the garden, with vehicular access on to Well Lane. The appellant had confirmed that he had no easement or other right in title.

He did however maintain that rights are assigned to properties backing on to Well Lane and disputed the status of the PROW and the legality of driving along Well Lane. He also drew attention to the obstruction provided by the bollard placed to the east of Sea View.

- 6.02 The Inspector considered that the evidence provided by the Council's Rights of Way seemed conclusive, and that the bollard was installed lawfully by the Council, to prevent vehicular access along the westerly portion of Well Lane, and that to drive along the PROW would constitute a criminal offence unless an easement or other right existed.
- 6.03 Notwithstanding the above, the Inspector considered that the section of Well Lane where the bollard is installed to be narrow and constricted by a building and retaining wall, whilst the footpath continues as a narrow footpath, capable of being widened. Even so the Inspector considered that any vehicular traffic on the lane would present a significant hazard to the users of the PROW of Well Lane. He considered that the passage and manoeuvring of vehicles would conflict with other users of the PROW, posing a highly significant risk to safety.
- 6.04 The Inspector considered that whilst the lane is used by cars to access the rear of properties, more vehicles would find it difficult to turn around within the lane and vehicles meeting would require reversing a significant distance in order for them to pass safely. Whilst he accepted that the speeds of vehicles would be low, due to the narrowness of the lane there would be conflict between vehicles, and especially between vehicles and pedestrians, and any additional traffic would lead to an unacceptable risk to road safety, and considered that the proposal was contrary to policies GEN1 and AC13 of the adopted Flintshire Unitary Development Plan and would be in conflict with national advice contained within Technical Advice Note 18, with regard to the provision of safety of the public realm.

7.00 CONCLUSION

- 7.01 For the reasons above, the Inspector Dismissed the appeal, on the grounds of the proposal being contrary to Policies GEN1 and AC13 of the Flintshire Unitary Development Plan, as the proposal was considered to have a significant impact on the safety of users of the PROW and the users of nearby land.

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