

## **SECTION B – MATTERS FOR INFORMATION**

### APPEALS DETERMINED

#### **a) Planning Appeals**

**Appeal Ref:** A2019/5002      **Planning Ref:** P2019/0090

**PINS Ref:** APP/Y6930/A/19/3227432

**Applicant:** Ms Julie Mcgrath

**Proposal:** First floor side extension and COU of land at the rear of the property to residential curtilage (Appeal against imposition of condition)

**Site Address:** 83 Brooklyn Gardens, Aberavon SA12 7PD

**Appeal Method:** Written Representations

**Decision Date:** 22 August 2019

**Decision:** Dismissed

[Appeal Decision Letter](#)

This was an appeal against the imposition of a condition (no. 2) on the grant of planning permission for the above development. The disputed condition required as follows: -

*Notwithstanding the details shown in the application within 2 months of the date of this consent the boundary fence shall be set back to provide a vision splay of 2.4 metres by 2.4 metres along the south western side boundary with the property's driveway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that order with or without modification), this splay shall be retained as such thereafter with nothing erected or grown over 600 mm in height within the splays.*

The main issue thus concerned the effect that varying or removing the disputed condition would have on highway safety.

The Inspector noted that the fence in question was in situ approximately 1.6m in height and abuts the back edge of the pavement. As the fence runs along the entire length of the access drive he considered that it almost entirely restricts drivers' visibility from the drive towards the adjacent highway.

While appreciating that this part of Brooklyn Gardens is a quiet rear access road which only serves eight dwellings, he considered it would be unfeasible for anyone leaving the drive in a forward direction to have a full view of the pavement until after the bonnet of the car has left the drive and manoeuvred onto the pavement. It would be even more difficult to see the pavement if reversing off the drive.

Retaining the fence in its current position would thus result in an unacceptable risk to the safety of pedestrians, especially small children, harmful to pedestrian safety.

Accordingly, he concluded that removing or varying the disputed condition would significantly harm highway safety, contrary to Policy TR2 of the Neath Port Talbot County Borough Council Local Development Plan which stipulates a number of criteria including that development does not have an adverse impact on highway safety.