
Appeal Decision

Site visit made on 11 October 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd November 2016

Appeal Ref: APP/C4235/D/16/3157620

150 Strines Road, Strines, Stockport SK6 7GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Stewart Turner against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC061921, dated 9 May 2016, was refused by notice dated 27 June 2016.
 - The application sought planning permission for excavation of front garden and provision of hard standing area and retaining wall to front of property without complying with a condition attached to planning permission Ref DC057759, dated 10 April 2015.
 - The condition in dispute is No 2 which states that: "Within 4 weeks of the date of this permission, a detailed drawing outlining a scheme to install bollards across the site frontage so as to prevent vehicles from accessing the approved hard standing area has been submitted to and approved in writing by the Local Planning Authority, together with a timetable for the erection of the bollards. The bollards shall then be erected in accordance with the approved details and timetable. The bollards shall thereafter be retained as approved/erected and the hard standing area shall not be used for the parking of vehicles at any time. If no drawing is approved within 6 months of the date of this decision, the hard landscaping shall be removed and the area shall be returned to grass/soft landscaping within 7 months of the date of this decision".
 - The reason given for the condition is: "In order to ensure that the approved hard standing areas is not used for the parking of vehicles as a result of it's size and unsafe access in accordance with Policies SLE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD."
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Decision

1. The appeal is dismissed.

Background and main issue

2. The condition in dispute relates to an approval granted for the provision of an area of hard standing at the front of the appeal property. The condition requires the provision of bollards across this area to prevent its use for the parking of vehicles. The appellant seeks the removal of this condition so that this area can be used for off road vehicle parking.
 3. At the time of my site visit I observed that the area of hard standing is in place and that there is a single collapsible bollard adjacent to the pavement to the front of this property. I am aware that the appellant parked in this area of hard standing for a period of time during 2015.
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4. The main issue in this case is whether the condition is reasonable and necessary in the interests of highway safety.

Reasons

5. The appeal site is located on the south western side of the B6101 Strines Road, which runs between Marple and New Mills. This section of the road has a 30 mph speed limit and is reasonably straight with a slight declining north west to south east gradient. To the north west lies the entrance to Plucksbridge Road which is connected to the appeal property via a section of pavement around 3-4m in length and around 0.4-0.6m in width. There is also a bus stop on the south eastern corner of the junction of Plucksbridge Road with Strines Road.
6. As the appeal property is located at a higher level than the Road a substantial retaining wall has been constructed to the rear of the hard standing area. On the north western side of this area are steps rising from the pavement level to access the property. Beyond these steps is the front garden area of No 148 Strines Road, and to the south east is the front garden area of No 152.
7. During my site visit mid-morning on a weekday I observed that Strines Road is reasonably busy, though there were regular large gaps between traffic. I also noted that a range of dwellings front onto the Road, many of which are sited in an elevated position and some of which have parking areas and access drives exiting directly onto the road. Therefore, whilst I accept that the principle of direct access from parking areas onto the road has been accepted in this area, it is clear that the particular circumstances of each case require careful consideration. In this respect I note that a case involving similar issues at No 108 Strines Road was dismissed at appeal.¹
8. In the present case the dimensions of the proposed parking area are restricted such that only vehicles parked at an oblique angle can be accommodated, as demonstrated in the evidence submitted by the appellant. Furthermore, it is of insufficient size to enable any turning or manoeuvring within the site. The plan referenced SCP/15304/FO1 illustrates the swept path analysis based on vehicles reversing onto this area, and I accept that it would be possible to reverse into this space when travelling from both the southeast and north west. This plan is also based on the driver-eye setback distance being approximately 0.8m from the kerb line, which I accept is reasonable based on the angle of a parked vehicle within this area. I also note that improvements have recently been made to the visibility of the road from this position through the lowering of gate posts and the side wall.
9. However, this analysis is based on the assumption that vehicles will always reverse into this space. In reality, there would be no means of preventing vehicles undertaking a forward entry. Whilst I accept that the appellant may intend to reverse into this space, it is important to consider the possibility that future occupiers or other drivers would choose a forward entry thereby necessitating an exit reversal onto Strines Road. In this context the safety of such a manoeuvre must be considered. Whilst I accept that driver visibility would be reasonable for a forward exit, consideration has not been given to the visibility relating to a reversal onto Strines Road. My view is that it has not been demonstrated that this would be a safe manoeuvre, noting that traffic travels at reasonable speeds along this straight stretch of road.

¹ APP/C4235/A/13/2190924

10. In this context it is not necessary to give further consideration to the appellant's argument that the visibility for a car exiting this hard standing area is better than that at the Plucksbridge Road junction.
11. I accept that, as demonstrated by the appellant's evidence, a family sized estate car could be accommodated at an oblique angle within this space. Furthermore, a vehicle of this size still allows sufficient space for safe pedestrian movement around the vehicle in this area. However, it would not be possible to restrict the size of vehicle using this space as part of a planning approval, and therefore the possibility of larger vehicles parking in this space and overhanging the pavement and road could not be prevented. This could create further road safety concerns in terms of the visibility of both vehicles and pedestrians along this stretch of road.
12. The position of this space a short distance away from the entrance to Plucksbridge Road must be also considered. When vehicles arrive at the appeal site, it is possible that other drivers would assume that the indication to turn related to Plucksbridge Road rather than this less visible hard standing area. This would be a particular concern when travelling north west along Strines Road and turning left into this space. In this scenario following drivers may assume that the indication was being made to turn left into Plucksbridge Road which is actually a little further along. Again, this could lead to road safety issues.
13. The alternative parking area for the appellant is on Plucksbridge Road. This arrangement requires the appellant and his family to walk along a short and narrow stretch of pavement to access the steps up to their home. I accept that this stretch of pavement falls below the standards set out in the now superseded guidance on recommended footway widths. In this respect it is clear that navigating this route with young children may be challenging and that as cars pass close by there may be some safety concerns, noting that the appellant's wife was clipped by a wing mirror when walking along this stretch. Therefore the appellant considers that the proposed parking arrangement presents risks to his family.
14. However, as noted above, whilst this road is reasonably busy there are gaps between traffic. Also the stretch of pavement between Plucksbridge Road and the appeal property is around 3-4m in length. In this respect I do not think that it is unreasonable that if travelling more than single file along this short section of pavement it should be traversed with the same care and attention as if crossing a road. In this respect my view is that this risk is manageable.
15. I accept that when the appellant parked on this area of hard standing for a period of time during 2015 he did not experience any safety issues. I also accept that the accident record for this stretch of road indicates that there were no incidents during the period 2012-2014, notwithstanding the fact that some properties have driveways which may involve vehicle manoeuvres in order to both park at and exit these properties. I agree that the use of this area for domestic parking would generate a relatively modest number of daily manoeuvres, and note that the occupiers of the neighbouring properties have supported this proposal. The appellant also points to research which found that very few accidents occurred involving vehicles turning into and out of driveways even on heavily-trafficked roads.²

² Manual for Streets 2007, p96

16. However, due to both the restricted size and location of this particular space, I have accepted that there are significant risks to all local road users associated with its long term use for off road vehicle parking. On balance, my view is that this decisively outweighs the manageable risks to the appellant and his family of traversing the pavement area between Plucksbridge Road and the appeal property.
17. I note that the parties make reference both to the number of cars owned by the appellant and to potential future car ownership levels. However, this is not relevant to the determination of this case.
18. The appellant refers to paragraph 32 of the National Planning Policy Framework, which at bullet point three states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. However, this point is made in relation to developments which generate significant amounts of movement. Of greater relevance in this case is the adopted development plan for the area.
19. I therefore conclude that this condition is reasonable and necessary in the interests of highway safety. The removal of this condition would not comply with the Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD which at Policies SIE -1, CS9 and T-3 requires development to consider the safety of all road users.

Conclusion

20. For the reasons set out above, taking into consideration all other matters raised, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR