
Appeal Decision

Site visit made on 4 January 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 09 February 2017

Appeal Ref: APP/C1625/D/16/3159863

54 Westward Road, Stroud, Gloucestershire GL5 4JA

- 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 Peter Hayes against the decision of Stroud District Council.
 - The application Ref S.16/1269/HHOLD, received 3 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is drop kerb and hard standing for one car space.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18 January 2017.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed parking arrangement on highway safety on Westward Road.

Reasons

3. The appeal site consists of a mid-terrace property fronting onto Westward Road (B4008). It has a small open forecourt area, including central steps to the front door, and is separated from the road by a relatively narrow footway of about 1.5 metres. There are double yellow lines on both sides of the road so there is no on-street parking. There are also commercial premises along the road including a hot food takeaway, hair salon, cycle shop and a larger retail establishment. To the rear of the appeal site off Cashes Green Road is a large supermarket with pharmacy and car park.
4. There is a mini-roundabout about 125 metres to the west of the appeal site and traffic lights approximately 90 metres to the east. The appellant suggests that they serve to slow traffic down along that section of the road which the Council advise has a 30mph speed limit. At the time of my site visit (10:30), though I recognise that it is only a snapshot, there was a continuous flow of vehicular traffic in both directions along the road and a number of pedestrians using the footway.
5. The proposal is for a dropped kerb and hardstanding to park one car within the small forecourt area of the property. The car would be parked parallel to the footway and road adjacent to the bay window. The appellant advises that a car

would enter the parking space via the dropped curb in forward gear travelling west to east along Westward Road. To exit it would reverse within the forecourt area before leaving in forward gear from a position parallel to the footway and road.

6. There is a street lamp post at the eastern corner boundary of the forecourt area which would obstruct attempts to exit the parking space without first reversing. Whilst I accept that the intention of the appellant is to reverse within the forecourt area, given the limited manoeuvring space, there would be a danger of encroaching on the footway.
7. The Council has based its reason for refusal on advice received from the relevant highway authority, Gloucestershire County Council. Their view is that car parking spaces should be perpendicular to the highway as that provides suitable visibility between drivers of exiting vehicles and other highway traffic including cyclists and pedestrians.
8. Whilst I appreciate that a perpendicular parking space would not be possible given the constraints of the site and its location, I share the Council's view of the proposal. A driver exiting the car parking space from a position parallel to the footway and road would have a restricted view, especially of pedestrians, cyclists and vehicles approaching from the west. The driver would be looking back at an angle, mainly reliant on mirrors and be subject to potential blind spots.
9. Traffic approaches from the west around a bend in the road which further limits the extent of its visibility. Though the bend is a reasonable distance away and forward visibility is better, I consider that exiting a parallel parking space and crossing over the footway at this location would pose a significant risk to the driver, pedestrians, cyclists and other traffic.
10. According to the submitted plans the parking space, in front of the bay window of the property, would be approximately 4.8 metres long and 2.4 metres wide, though I note that a revised width of 2.6 metres is given in the appellant's grounds of appeal. The Council and the highway authority have expressed concern that there would be insufficient space to open vehicle doors safely given the proximity of the bay window and the adjoining footway.
11. The appellant submits that the dimensions are greater than an 'average' of 'standard' car parking space though it is not specified what that assertion is based on. In any event, it seems to me that a width of about 2.4-2.6 metres up against the bay window would provide very limited space to enable car doors to be opened safely on both sides, without potentially impinging on the footway. The situation would be exacerbated if one of the larger models of car was being parked in the space. Again, therefore, I find that I agree with the Council's view on that issue.
12. Whilst Policy CP13 of the Stroud District Local Plan (LP)¹ does not specify measurements, it does state that development should not be detrimental to road safety. Similarly, paragraph 35 of the National Planning Policy Framework (the Framework) states that development should be located and designed to create safe and secure layouts which minimise conflicts between traffic and

¹ Adopted November 2015

cyclists or pedestrians. Ultimately, whether a proposal transgresses those principles is a matter of professional judgement.

13. I attribute significant weight to the professional view of the highway authority which has given clear reasons for its recommendation to refuse the application, which were endorsed by the Council. Following my consideration of the evidence put to me and my site visit I find that I largely concur with those views.
14. The appellant says that such parking arrangements are common in the area. From what I saw on my site visit, that is the case and I can understand the appellant's sense of unfairness about that aspect. However, it is not clear if those arrangements have the benefit of planning permission.
15. The appellant says that planning permission was given for a similar parking arrangement at 50 Westward Road in 2010 as part of a planning approval for a workshop, but no copy of that planning permission and associated documentation has been provided. Therefore, I am unable to conclude on the evidence before me that the Council have been inconsistent in dealing with the current application. In any case, it would not represent a good reason for accepting new development that would have an adverse effect on highway safety.
16. Therefore, I conclude that the proposed parking arrangement would harm highway safety on Westward Road. Consequently, it would conflict with the objectives of Policy CP13 of the LP and paragraph 35 of the Framework which, amongst other things, seek to ensure that development is not detrimental to road safety and is located and designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Other Matters

17. The appeal site is located in a Conservation Area (CA). Statute requires that decision makers pay special attention to the desirability of preserving or enhancing the character or appearance of CAs.² As the forecourt area is already open and gravelled, I do not consider that the relatively minimal changes associated with the proposal would have an adverse effect on the character or appearance of the CA.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

² Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990