

Appeal Decision

Site visit made on 15 March 2017

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/C1055/D/17/3167038

144 Stenson Road, Derby DE23 1JG

- 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 Joseph Tyndyke against the decision of Derby City Council.
 - The application Ref DER/05/16/00662, dated 23 May 2016, was refused by notice dated 21 October 2016.
 - The development proposed is create driveway at front of property.
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Application for Costs

1. An application for costs was made by Mr Joseph Tyndyke against Derby City Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. I consider that the main issue is the effect of the proposed driveway on highway and pedestrian safety.

Reasons

4. The appeal site is a relatively modern detached house with a pedestrian access from Stenson Road and a separate shared vehicular access between Nos 140 and 142 Stenson Road. Parking provision for No 144 is to the rear of the house. The proposal would create a new vehicular access and parking space to the front of No 144.
 5. Stenson Road is a busy road and the Council are concerned that there would be restricted visibility for drivers emerging from the site and inadequate manoeuvring space within the site to enable vehicles to enter and leave the site in forward gear. Restricted visibility and the necessity for drivers to manoeuvre into Stenson Road would increase the likelihood of danger and loss of safety for other road users. This would conflict with Local Plan Policy T4 which indicates that the Council will only grant permission for development that makes safe and appropriate provision for access to and egress from the development by
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pedestrians, cyclists, powered two-wheelers, public transport users and the private car¹.

6. There are other properties on Stenson Road that have direct vehicular access from the road and I can understand why access to the front of the house would be desirable especially as No 144 has given over a substantial part of the rear garden for parking. However, this does not override the need to maintain highway and pedestrian safety. I note that reference has been made to the existing shared access being below standard with regard to visibility. The Council acknowledge that it is below standards to the right on egress but it is still above the levels of visibility that could be provided by the proposed access. I note that the appellant has expressed concern about the amount of vehicles now using the shared access and the demand for parking but the Council point out that it was designed and approved as a shared access.
7. I am not convinced that accepting a further access with restricted visibility is in the interests of highway and pedestrian safety. Whilst measures have been suggested that would maximise the available visibility I do not consider that these go far enough to overcome the potential danger.
8. I also note that the appellant is confident that the turning space provided in the front garden would be adequate but this too is restricted by the requirement to safeguard the root protection zone of a tree protected by a Tree Preservation Order (TPO)². I am therefore not satisfied that the proposed access is safely workable.
9. I have considered all other matters raised but none alter my conclusion. I conclude that the proposed driveway would have a harmful effect on highway and pedestrian safety contrary to Policy T4. The appeal therefore fails.

J D Clark

INSPECTOR

¹ City of Derby Local Plan Review, Adopted January 2006.

² Tree Preservation Order (TPO) No 466.