
Appeal Decision

Site visit made on 3 April 2017

by B Bowker Mplan MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/Q4625/W/16/3162103

Land between 366- 368 Rowood Drive, Solihull, West Midlands

- 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 Jetha Karavadra against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/00879/PPFL, dated 4 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is new build 2 storey block of 2 No.maisonettes
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address used above is taken from the appeal form which is more complete.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site comprises an area of hardstanding with four garages located between Nos 366 and 368 Rowood Drive. A corner section of Rowood Drive flanked by pedestrian footways abuts the southern boundary of the site. The on-site garages are used for domestic storage. A section 106 agreement is in place to ensure 7 off street vehicular parking spaces for surrounding neighbours. Overall, the proposal would result in a net loss of 4 communal parking spaces.
 5. The appellant's parking survey records an average of 3 to 4 vehicles at the site whilst local resident indicate that a maximum of 7 vehicles park at the site. The Council's parking survey records a maximum of six vehicles at the site. The evidence before me indicates that the uptake of parking at the site varies. However, the appellant acknowledges that on occasions there may be up to 7 cars parked at the site. The proposed 3 communal parking spaces would only compensate for the lowest recorded number of vehicles parked at the site. Consequently, the proposal would displace vehicles that park at the site; the extent of which would vary throughout the day and evening.
 6. During my early afternoon site visit I saw that despite on street parked vehicles and the presence of 'slow' road markings, vehicles moved quickly along this
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section of Rowood Drive. I observed that on street parking prevented vehicles from passing side by side and reduced visibility levels and thus the ability of the driver to fully anticipate fellow road users. I also observed that large buses passed the site, that parking at the opposite layby was close to capacity and that one vehicle was parked at the appeal site. It is reasonable to assume that parking demand and traffic levels are likely to increase later on in the day.

7. Although some properties benefit from off street parking and communal parking areas, it is clear that on-street parking is relied upon for many residents and is prevalent in the immediate vicinity. Consequently, the Council's expectation that displaced parking spaces would be met by adjacent on street parking is reasonable. In addition, photographs submitted by the Council and local residents indicate that parking demand increases during the evening. The pictures also show vehicles parked on grass verges and footways, factors identified by the Council as obstructive to footways and forward visibility along Rowood Drive.
8. The Council's mitigation steps, which include discounts for dropped kerbs, the creation of an informal parking area and the installation of bollards, indicate that there are parking pressures in the area. However, I agree with the appellant that despite not having a dropped kerb, some properties do contribute to off street parking supply. Nonetheless, despite the Council's mitigation measures, the prevalence of on street parking appears to have endured since the 2007 appeal decision¹.
9. Based on my site visit observations, I have concerns about the levels of forward visibility when travelling along the bend of Rowood Drive; particularly from west to east. The Council state that forward visibility inside the bend of Rowood Drive is 40 metres, which at a speed of 30mph, would be below the 43 metre visibility identified by Manual for Streets (MfS). It is contended that vehicles parked on street along the bend could assist in reducing speeds. However, taking into account existing highway conditions, the ability of the driver to respond with a reduction in vehicular speed would be limited. Moreover, additional on street parking would further worsen visibility along the corner and reduce inter-visibility between road users and pedestrians. Consequently, a reduction in speed would fail to fully prevent potential conflict between road users.
10. In summary; the proposal's resultant loss of off street parking would displace parking into an area with poor levels of highway visibility. As a consequence, additional on street parking would increase highway safety risk to road users, including pedestrians. In reaching this view I have taking into MfS 2 which states that parking within visibility splays does not appear to create significant problems in practice and that, in general, obstacles not large enough to fully obscure road users will not have a significant impact on road safety. However, the individual circumstances of this case, namely the bend of the adjoining section of Rowood Drive, the speed of traffic and existing local parking pressures, discount the application of this general principle.
11. I have also taken into account a number of road accidents in the vicinity highlighted by the Council. The appellant states that the cited road accidents were all due to driver error, which based on the evidence before me, appears primarily to be the case. Nonetheless, on-street parking along the bend of

¹ APP/Q4625/A/05/1173628

Rowood Drive cannot be fully discounted as a contributory factor for the PSV collision cited by the Council.

12. It is also put to me that the garages to the rear of 195-205 Rowood Drive could be demolished to secure additional off-street parking; a step undertaken to the rear of 151-171 Rowood Drive. However, no such scheme is before me nor does it appear likely that such a scheme will be implemented any time soon. Nor am I convinced that the local shopping area to the north and nearby public transport would persuade future occupants to forgo car ownership or significantly reduce private vehicular use.
13. The appellant also considers that the Council should impose parking restrictions and re-engineer the adjacent parking layby to increase parking capacity. However, it is clear that the Council are already taking practical steps to deal with highway constraints in the vicinity. Moreover, this contention does not reduce or justify the unacceptable risk to highway safety I have identified above.
14. Therefore I conclude that the proposal would have a harmful effect on highway safety. Consequently, the proposal would not meet the requirements of Local Plan Policy 8 and paragraph 35 of the National Planning Policy Framework. Combined these policies seek to ensure that development does not result in a reduction in safety for any users of the highway and is designed to provide safe and secure layouts which minimise conflict between traffic and road users.

Other matters

15. The parties agree that the Council cannot currently demonstrate a five year supply of housing land. Consequently, in line with paragraphs 14 and 49 of the National Planning Policy Framework, policies relevant to the supply of housing cannot be considered up-to-date. The proposal would help meet this supply shortfall, involve development of a brownfield site and would support construction employment. However, the adverse impacts of granting permission identified in relation to the main issue above would significantly and demonstrably outweigh the benefits arising from the proposal.

Conclusion

16. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR