

Appeal Decision

Site visit made on 3 May 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 17th May 2017

Appeal Ref: APP/N1160/D/17/3169552

63 Church Road, Plymstock, Plymouth, PL9 9AT

- 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 Marc Norman against the decision of Plymouth City Council.
 - The application Ref 16/01916/FUL, dated 12 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is building of vehicle hardstanding comprising of permeable brick paving.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was retrospective and I saw during my visit that the development was complete.

Main Issue

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

Reasons

4. The appeal property is situated on the south stretch of Church Road and close to the junction where it is bisected by Horn Cross Road and Stanborough Road. Although this section of Church Road ultimately ends as a cul-de-sac, No 63 is positioned where vehicles passing and heading south can make an onward journey by turning into a number of other roads before Church Road reaches its terminal point. Although it may not be used by buses, I saw during the time of my visit that this part of Church Road was fairly frequently accessed by through traffic.
 5. Church Road is a classified road. In such circumstances paragraph 2.2.66 of the Council's Development Guidelines Supplementary Planning Document (SPD), adopted in May 2013, when discussing highway safety in relation to garages, car-ports and hardstands, states that there must be room for a
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vehicle to enter and exit in a forward gear. The SPD is clear in this context that the protection of both pedestrian and vehicle safety is paramount.

6. The Council has advised that a private turning area requires dimensions of 16.5m x 9m to be achieved at certain points in the layout of a hardstand as a minimum requirement to conveniently facilitate the turning of a car. No such capability is available in this instance. Any vehicle using the frontage of No 63 to park would be required to reverse either into or out of the site. Given the proximity of the appeal property near to the junction and the absence of any footpaths along this side of the road, I share the Council's concern that a vehicle turning into Church Road from Horn Cross Road/Stanborough Road could be blindly faced at a very short distance with a reversing vehicle. I further agree that cyclists and motorcyclists would be particularly vulnerable.
7. My concern is further compounded by the absence of any visibility splays for vehicles emerging from the appeal site due to the high and solid boundary enclosures that exist close to, or immediately adjoining, the edge of the highway to either side. These are outside the control of the appellant and due to their height and position prohibit any reasonable degree of inter-visibility between highway users and cars emerging from the site. I have noted the use of a mirror that has been positioned to provide reflected sight towards the junction. However, its reliability would be heavily dependent upon its long term maintenance and the prevailing weather conditions. I am not persuaded that it is an appropriate measure to rectify deficiencies in relation to a new access or that its use and effective function could be properly controlled by a planning condition in the longer term.
8. I have taken note of the appellant's reference to other hardstandings. I saw some examples of frontage parking along both stretches of Church Road. Several had no turning facilities. However, I have no details of their planning history. Moreover, none were directly comparable to the appeal property in terms of their location or sight lines provided. Neither were these other examples in such numbers as to demonstrate that the existing highway environment along this stretch of Church Road has frequent reversing manoeuvres to suggest that drivers would be familiar with the local movement of vehicles in this manner. In a similar vein I am unable to directly compare the appeal proposal with the circumstances elsewhere where planning permission may have been granted in the absence of any on-site turning capability.
9. I am aware that the development has some support locally, principally on the basis that it has alleviated some of the on-street parking pressure in the area. However, I am mindful that there are double yellow lines in the immediate vicinity of the appeal property. As such it is unlikely that cars would have been parked in this location before the development took place so there would have been no obvious benefit by providing off-street parking here in terms of highway safety or free flow of traffic. Whilst there may be a degree of reduced competition for any on-street parking spaces more widely, the benefit of this does not outweigh the harm to highway safety that I have identified. Although the works have been executed in materials that are sympathetic this weighs neither for nor against the proposal having regard to the main issue that has been identified.

10. I have no details of the 2 recorded traffic incidents that have been referred to by the appellant but, regardless that these were not speed related, this record does not indicate to me that the works undertaken at No 63 are inherently safe.
11. When all of this is taken into consideration and weighed in the balance I find overall that the absence of an appropriate turning facility would be likely to have a severe adverse impact upon highway safety along Church Road. There would therefore be conflict with the National Planning Policy Framework (the Framework) and the aims and objectives of Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy, adopted April 2007, insofar as they relate to the safety and suitability of an access. Given this, the works are not a sustainable form of development which accords with paragraph 14 of the Framework.

Conclusion

12. For the reasons given and based on the evidence before me I have found in this case that the proposal would be detrimental to the function of the highway network in terms of safety. Therefore, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR