
Appeal Decision

Site visit made on 26 April 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 23rd May 2017

Appeal Ref: APP/X0360/W/17/3167518

1 Harlton Close, Earley RG6 4JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Mark Priest against the decision of Wokingham Borough Council.
 - The application Ref 163142, dated 4 November 2016, was approved on 23 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is conversion of existing garage to habitable accommodation.
 - The condition in dispute is No 5 which states that: *The development shall not be occupied until the vehicular access from the highway has been increased to a width of 7.5 metres (this work will need separate authorisation by the Borough's highway section – see informative below).*
 - The reason given for the condition is: *To allow vehicular access to off-street parking spaces without causing damage to the footway and kerb, and to avoid undue delay in vehicles leaving the highway in the interests of highway safety and convenience.*
Relevant policy: Core Strategy policies CP3 & CP6.
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Decision

1. The appeal is allowed and the planning permission Ref 163142 for conversion of existing garage to habitable accommodation at 1 Harlton Close, Earley RG6 4JH granted on 23 December 2016 by Wokingham Borough Council, is varied by deleting condition 5.

Procedural Matter

2. A different name appears on the original planning application form and appeal form. For the avoidance of doubt, I have used the name as given on the original application form in the header above.

Background & Main Issue

3. Planning permission was granted for the conversion of an integral garage to part dining room, utility room and WC. In order to compensate for the loss of the garage, an additional off-street parking space was proposed within the front garden. The Council were concerned that the width of the existing access to the property would not be wide enough to allow cars to access the space without the risk of driving over the existing kerb, resulting in potential risks to the safety of pedestrians. They also considered that this could result in damage to the footway and kerb.
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4. The appellants assert that the condition is not necessary because they already need to move cars to allow access to the garage and this would not change. In addition, they consider the condition is unreasonable as increasing the width of the access to that suggested would bring it into conflict with the nearby junction.
5. Taking the above background into account, the main issue in this case is whether the condition is reasonable or necessary in the interests of the safety and convenience of users of the highway and pedestrian footway.

Reasons

6. The access to the appeal property lies relatively close to the junction between Harlton Close and Chatteris Way, which appears to be a distributor road through a residential estate. Harlton Close is a small cul-de-sac.
7. I recognise the turn into the driveway to access the additional parking space would be at a relatively acute angle. However, I do not consider it would be so difficult as to render it necessary to mount the kerb, particularly when considering the likely speed of entry to the road. When other spaces are not in use, access to the space would not be problematic. I recognise that some manoeuvring of vehicles may be required when the existing spaces are in use to allow more straight forward access. However, similar manoeuvring is already likely to be necessary in relation to the use of the existing garage when cars are parked on the driveway. I do not consider that either the nature or frequency of manoeuvres within or from the site is likely to change significantly from the current situation or cause materially greater levels of risk to safety.
8. When taking into account the low level of traffic likely to be entering Harlton Close, their low speed of travel and the fact that it would not be unexpected for vehicles to be entering or exiting this driveway, I do not consider that either directly accessing the parking space or carrying out manoeuvres to allow access would be likely to cause any particular risk to highway or pedestrian safety. Neither do I see any reason why this should lead to material increase in the need to drive over or damage the kerb and footway.
9. Moreover, the likely need to move cars in order to allow access to a garage, as it currently the case, or off-street parking spaces is not so unusual or onerous to be limited to the current occupiers of the dwelling. I can see no reason why future occupiers would either need or wish to drive over the kerb for the sake of convenience. It is reasonable to assume that most people would avoid this not only for safety reasons, but also to prevent damage to the vehicle.
10. The Council accepts that the width of the access required by the condition would have the potential to conflict with the pedestrian dropped kerb adjacent to the junction. In turn this could cause a potential trip hazard. This would accord with my own observations of the site. It would not be reasonable to expect the appellant to implement the condition if this were to result in associated risks to pedestrians. In light of this, the Council has indicated a willingness to consider alternative approaches. However, as I do not consider it necessary to increase the width of the driveway to ensure safety, then it is equally unnecessary to replace the disputed condition with that the Council has suggested.

11. Overall, I am satisfied that maintaining the access at its current width would not result in an unacceptable risk to the safety of highway users or pedestrians or of damage to the kerb or footway. Accordingly, with or without the condition, there would be no conflict with Wokingham Borough Local Development Framework Adopted Core Strategy (2010) policies CP3 and CP6 which seek, amongst other things, to ensure development provides appropriate vehicular access and does not cause highway problems.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

S J Lee

INSPECTOR