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## Appeal Decision

Site visit made on 21 August 2017

**by A J Mageean BA (Hons) BPI PhD MRTPI**

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

**Decision date: 30<sup>th</sup> August 2017**

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**Appeal Ref: APP/R3705/D/17/3178414**  
**30 Watton Lane, Water Orton B46 1PJ**

- 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 Gareth Whitehouse against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2016/0674, dated 24 November 2016, was refused by notice dated 30 March 2017.
  - The development proposed is dropped kerb to property frontage.
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### Decision

1. The appeal is dismissed

### Main Issue

2. The main issue is the effect of the proposal on highway safety in the vicinity of the appeal site.

### Reasons

3. The appeal site is a semi-detached property located on the south side of Watton Lane, a classified 30mph 'B' road. This is a long straight road running through the centre of the village of Water Orton. Along its length there are a series of traffic calming measures including pinch points and speed cushions. One such intervention, involving both a pinch point and speed cushions, is positioned parallel to the front of the appeal property. There is also a wide grass verge between the appeal property and the road. Some neighbouring properties have off road parking areas to the front of their houses, accessed via driveways running across the grass verge.
4. At the time of my site visit on a weekday morning Watton Road received a steady flow of traffic. I appreciate that my visit only provided a snapshot of road conditions. Nevertheless, based on my observations, it would be reasonable to assume that the level of traffic would increase at peak hours in the morning and evenings.
5. The location of the proposed drop kerb would be directly to the west of the pinch point and speed cushions, offset from the appeal property. As a result the proposed crossing of the verge would be angled, with a narrow and therefore constrained point of exit onto the road. As such vehicles entering and exiting the appeal property would need to manoeuvre in close proximity to the traffic calming measures. It is therefore likely that the narrow point of exit, along with the road narrowing and changes of level would hamper vehicle movements. In

spite of measures to slow down traffic, in my opinion the road conditions are such that traffic is still able to travel at such speed as to make such manoeuvres hazardous to vehicles travelling along this road.

6. I have some sympathy with the appellant's frustration regarding the positive response from the Local Highways Authority in relation to his initial enquiries, and the fact that many of his neighbours are able to park in their front garden areas. In this respect the appellant has also provided details of a similar application relating to No 20 Watton Road. However, in this case it appears that the Local Highway Authority agreed changes to the existing traffic calming measures to enable the dropped kerb to be implemented. I was able to view this scheme on site and whilst I accept that the dropped kerb is located to the west of a pinch point in the road, there is no discernible speed cushion in this location and thereby the degree of interference with vehicle manoeuvring is reduced. As there is no suggestion that traffic calming measures could be amended in the present case, a similar degree of mitigation has not been demonstrated.
7. The appellant also refers to the installation of a dropped kerb at a property on New Road, a continuation of Watton Lane. Again I was able to view the situation at this property, No 42, as part of my site visit. In this case both a pinch point and speed cushions are located close to the dropped kerb. However as this driveway is wider with a more direct point of access than that proposed in the present case, the road safety issues associated with the two sites are not directly comparable.
8. I appreciate that the appellant is looking for an alternative to parking on the highway in front of his property. He argues that parking in this location causes disruption to traffic. He also has safety concerns regarding the need to cross the highway with his young children. However, the presence of parked cars requires two-way traffic to slow down, thereby improving pedestrian safety overall.
9. Finally, the fact that the appellant has observed other situations in the village which he considers to be unsafe does not render the current proposals acceptable, and I am required to determine this appeal on its own planning merits.
10. I therefore conclude that the proposal would have a detrimental effect on highway safety in the vicinity of the appeal site. The proposal would conflict with Policy ENV14 of the North Warwickshire Local Plan 2006, and Policy NW10 point 6 of the North Warwickshire Core Strategy 2014 which, taken together, require vehicular access to be safe with local road networks able to accommodate traffic without causing danger.

## **Conclusion**

11. For the reasons set out above, and as material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

*AJ Mageean*

INSPECTOR