
Appeal Decision

Site visit made on 3 October 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 13th October 2017

Appeal Ref: APP/W3710/D/17/3179209

136 Coventry Road, Exhall, Coventry, West Midlands CV7 9EW

- 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 Stewart Hussey against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034780, dated 13 March 2017, was refused by notice dated 11 May 2017.
 - The development proposed is described as “dropped kerb for vehicle access”.
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Decision

1. The appeal is allowed and planning permission is granted for a dropped kerb for vehicle access at 136 Coventry Road, Exhall, Coventry, West Midlands CV7 9EW in accordance with the terms of the application, Ref 034780, dated 13 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Plan for Dropped Kerb, both received by the Council 16 March 2017.

Procedural Matter

2. I have taken the description of development from the Council’s decision notice as this is more succinct than that used on the application form.

Main Issue

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

Reasons

4. The appeal property is a semi-detached house, which has a paved driveway with parking space for three cars. There is an existing dropped kerb at the edge of the carriageway but this does not extend across the full driveway width. The property fronts onto the B4113, Coventry Road.
5. The development would result in the extension of the dropped kerb by approximately 4.5 metres. The Highway Authority is concerned that the resulting dropped kerb footway crossing would be greater than the recommended maximum width of 6.3 metres. There is also concern that visibility splays would not be achieved.

6. The appellant explains that three cars owned by the family are regularly parked on the driveway, to avoid parking on the road. It is necessary to manoeuvre across the footway via the existing dropped kerb to park clear of the highway. This involves having to drive cars out onto the main road.
7. I appreciate the concerns of the Highway Authority in relation to the width of the proposed dropped kerb. However, I am not persuaded that this would lead to faster entry speeds, indiscipline around the access and manoeuvring over the footway. The driveway is already used for parking and it is likely that this use will continue, irrespective of the extended dropped kerb. The development would enable direct vehicular access to the driveway without the need to manoeuvre diagonally across the footway, or to re-order cars by driving out onto the main road. There is limited evidence that entry speeds would increase as the turning angle would still be restricted due to the prevalence of on-street parking. Moreover, the short length of the driveway would limit the speed of the approach. Dropped kerbs are not uncommon in the vicinity and, as the footway is relatively wide and would largely remain level, the development would be unlikely to have a material adverse effect on footway users with mobility issues.
8. I accept that the desired pedestrian and vehicular visibility splays, as set out by the Highway Authority, would not be achieved. Nonetheless, the driveway is already in use. The development is likely to lead to a reduction in manoeuvring movements as vehicles would access the driveway directly from the carriageway, rather than approaching or leaving at an angle. Moreover, it would not be necessary to re-order cars on a regular basis. Therefore, having regard to the existing practice, I consider that the substandard visibility splay would not result in a significant adverse impact on highway safety.

Conclusion

9. I conclude that the development would not have an adverse effect on highway safety. Therefore, it would accord with Policy ENV14 of the Nuneaton and Bedworth Borough Local Plan (2006), which seeks to ensure that development is in keeping with the character of the locality.
10. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector