
Appeal Decision

Site visit made on 9 October 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 16 October 2017

Appeal Ref: APP/R0660/D/17/3180234
145 Buxton Road, Disley SK12 2HF

- 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 Simon Malpas against the decision of Cheshire East Council.
 - The application Ref 17/1863M, dated 13 April 2017, was refused by notice dated 9 June 2017.
 - The development proposed is described as *"kerb lowering to enable us to convert front garden to drive"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Cheshire East Local Plan (CE-LP) was adopted in July 2017. All parties have had the opportunity to comment on the change in status of this document in terms of the relevance to their case. The Council confirmed that upon adoption of the LP, Policy T1 of the Macclesfield Borough Local Plan (M-LP), adopted January 2004, has been replaced by Policies CO1, SD1 and SD2 of the CE-LP and that Policy SE1 of the CE-LP is also relevant to the proposal. I, therefore, determine this appeal on the basis of the current development plan and give no weight to Policy T1 of the M-LP.
3. The evidence before me indicates that the draft Disley Neighbourhood Plan is at an early stage of preparation and does not form part of the development plan. I, therefore, give little weight to it when determining this appeal.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of the host property and the area, and;
 - the effect on highway and pedestrian safety.

Reasons

Character and appearance

5. No 145 Buxton Road (No 145) is a two storey mid terraced dwelling within a row of four properties. Similar to other properties in the row and semi-detached properties beyond to the east, it has a shallow front garden with hardstanding. The predominant boundary treatment along the frontages of the

terraced properties are tall hedges which largely screen the front gardens, but there are examples of alternative boundary treatments such as low walls to the side of No 143 and along the frontage of nearby semi-detached properties. Off street parking is not a feature of the frontages of the terraced and semi-detached properties, with only a single dropped kerb located nearby which serves a driveway and parking area at the side of No 143. On-street parking is available along the northern side of Buxton Road, albeit restricted along the frontage of the property and No 143 by the presence of bus stop markings.

6. The introduction of a dropped kerb and creation of an off street parking space on the front garden of No 145 would look out of place within the terraced row. The parking of a vehicle on the shallow frontage would detract from the consistency and rhythm of the property frontages. The associated loss of the established hedge would introduce an open frontage that would contrast with the remainder of the terraced row and would exacerbate the harm upon the character and appearance of the street scene. Whilst the evidence indicates the inclusion of railing style gates along the frontage, I have concerns that the depth of the front garden would be insufficient to park a significant proportion of modern vehicles. In any case, railing style gates would not mitigate the visibility and incongruous presence of a parked vehicle on the shallow frontage of the terraced property. The parking of vehicles at the side of No 143 and driveways further to the east do not replicate the harm identified.
7. In reaching the above findings, I have taken into account that the opposite side of Buxton Road has more open frontages, including dropped kerbs and off street parking areas. However, No 145 is located on the northern side of Buxton Road where the established character is considerably different to the larger properties opposite which are set back further from the road with space for parking areas. Consequently, the presence of significant off street parking opposite is not justification for the harm to the character and appearance of the host property and its immediate surroundings on the northern side of Buxton Road. Whilst the appellant has indicated that the existing hedge could be removed and replaced without the need for planning permission, such a fallback position does not justify the harm which would arise from the introduction of a dropped kerb and off street parking on the front garden.
8. I conclude that the development would harm the character and appearance of the host property and the area. The proposal, therefore, conflicts with Policies SE1 and SD2 of the CE-LP and Saved Policy BE1 of the M-LP. When taken together, the policies seek a high standard of design and that development proposals make a positive contribution to their surroundings, including regard for local character and distinctiveness. The policies are consistent with the National Planning Policy Framework (the Framework).

Highway and pedestrian safety

9. Buxton Road (A6) is a classified road with a 30mph speed limit in the vicinity of the appeal site and carries a high volume of traffic. At the time of my visit, bus stop markings were in place at the front of the site, with further parking restrictions to the west related to a signalled pedestrian crossing.
10. The width of the proposed parking area at the front of the property would meet the Council's parking standards of a minimum of 2.5m. However, the depth of the parking area would fall considerably short of the requirements in terms of a minimum depth of 4.8m. As the type of vehicle that would use the parking

area cannot be reasonably controlled, there would be potential for vehicles to obstruct the pedestrian footway which is already narrow in width. The overhang of large vehicles in particular could significantly reduce the available footway to an extent that would require pedestrians to use the carriageway as an alternative. Furthermore, the restricted visibility arising from the tall and dense hedging to the frontages of Nos. 143 and 147 would prevent a driver leaving the parking area from being fully aware of pedestrians. Consequently, the proposal would increase the risk of accidents on a busy section of Buxton Road which would have a harmful effect on pedestrian safety.

11. In addition to the above, the parking area would have insufficient space available for vehicles to turn within the site. Consequently, parking on the frontage would require reversing manoeuvres onto or from a section of road where visibility is restricted to the east by the presence of on-street parking. Vehicles reversing along and onto the road where visibility is constrained, where parked cars are regularly overtaken, buses are stopping and where traffic signals are close by, would increase the risk of accidents and collisions. I, therefore, consider that the proposed vehicular access would also have a significant detrimental effect upon highway safety.
12. In reaching the above findings, I observed that some off street parking areas opposite, although not obstructing the footway, would not have sufficient space to turn a vehicle and would require reversing manoeuvres onto or from Buxton Road. However, the particular circumstances which led to those accesses being accepted are not before me. In any case, the driveways and parking areas do not replicate the harm identified as visibility on the opposite side of the road is not restricted to the same extent by boundary treatments or on-street parking. The dropped kerb serving No 143 is similarly constrained as the proposal in terms of proximity to the bus stop and traffic signals, and requires some reversing manoeuvres onto or from the road. Nevertheless, its presence is not reason to allow a proposal which would increase the risk of accidents and collisions on Buxton Road. Although there are potential benefits of the proposal in terms of reducing the demand for on street parking on Buxton Road, an increase in off street parking capacity does not outweigh the harm to highway and pedestrian safety. The absence of objections from neighbours and Disley Parish Council is a neutral factor.
13. The appellant has drawn to my attention that the temporary bus stop was introduced since the Council made its decision. Whilst I sympathise with the appellant's dissatisfaction in terms of the timing of its installation, the suitability of the location of a temporary or permanent bus stop on the public highway is a matter that falls outside of the jurisdiction of this appeal. It is necessary that I determine the appeal on the basis of the circumstances of the site and its surroundings at the time of my visit and as such the relationship of the proposal with the bus stop is a material consideration as per my reasoning. However, in the interest of certainty, the presence of the bus stop serves only to worsen the harmful effect of the proposal in terms of highway and pedestrian safety. Relocation of the bus stop would not overcome the harm.
14. I conclude that the development would have a significant detrimental effect on highway and pedestrian safety. The proposal, therefore, would conflict with Policies CO1 and SD1 of the CE-LP. When taken together, the policies seek that development provides safe access and sufficient car parking in accordance with adopted highway standards, together with ensuring safe and secure

footways and paths linking with public transport. The policies are consistent with the Framework in so far as they seek to ensure safe and suitable access to sites for all people.

Conclusion

15. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR