
Appeal Decision

Site visit made on 5 February 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2018

Appeal Ref: APP/D1835/W/17/3179223
315 Bath Road, Worcester WR5 3AU

- 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 Phil Pyman against the decision of Worcester City Council.
 - The application Ref P17B0134, dated 9 March 2017, was refused by notice dated 16 May 2017.
 - The development proposed is excavation of existing front garden, formation of driveway, retaining walls and pathway. Dropping of roadside kerb to facilitate vehicular access not yet carried out.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my site visit the front garden had been excavated to create a driveway with retaining walls and a pathway. I have based my decision on what I saw on site, together with the submitted plans and details.

Main Issues

3. These are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on highway safety with particular regard to pedestrian visibility and vehicular access.

Reasons

Character and appearance

4. The appeal site is within a row of residential properties that front Bath Road, a busy thoroughfare that is a notable transport link within the area. The frontages to existing properties are fairly long and those within the vicinity of the appeal site slope upwards, away from the highway. Whilst the frontages vary in design, there is a prevalence of soft landscaping which gives the area a pleasant and verdant character.
5. The frontage to the appeal site has been excavated and faced with light coloured materials. The size of the aperture is notable and whilst the colour of the materials may complement those on the property at the appeal site, they emphasize the appearance of the driveway. Consequently the driveway appears overly dominant and incongruous within the street, and visually

discordant with other frontages up and down the street that are more subtle in appearance.

6. There are properties along Bath Road and on the same side as the appeal site that have frontages that accommodate large areas of hardstanding. However, the prevalence of soft landscaping and materials of softer hues means that the frontages are more subtle in appearance and therefore less discernible within the street.
7. In all, therefore, the driveway is harmful to the character and appearance of the area and contrary to policy SWDP21 of the Development Plan¹ which seeks development that integrates effectively into its surroundings and reinforces local distinctiveness.

Highway safety

8. For a driver exiting the appeal site, a clear line of visibility is required, back from the carriageway edge and in both directions, up and down the road. The retaining wall on the southern side of the driveway restricts the visibility of oncoming pedestrians when a driver is exiting the site. This creates a risk of collision, between a vehicle and pedestrians using the highway.
9. Whilst the appellant suggests that there is space within the driveway for a vehicle to turn around, the plans before me, nor what I saw on site, show this to be case. As the photographs before me demonstrate, vehicles park on the driveway, perpendicular to Bath Road. Whilst parked clear of the pavement, vehicles reversing off the driveway, across a pavement and into a busy road, would create a risk of collision with vehicles, pedestrians and cyclists using the highway.
10. There are driveways along Bath Road that require drivers to reverse into the highway. From my observations on site it appeared that these driveways had been in situ for some time and in the absence of any evidence to suggest otherwise, would, in all likelihood, have arisen under different circumstances to the appeal proposal. I do not find precedent, therefore, to be a reason to consider allowing the appeal. Notwithstanding this, each development must be assessed on its own merits and in relation to planning policy. When assessed against paragraphs 32 and 35 of the National Planning Policy Framework (the Framework) which require development to provide a safe and suitable access that minimises highway conflict, the proposal would fail to meet this requirement.
11. The photographs before me show that vehicles park on the road or straddle the highway and the pavement. I have no doubt that vehicles parked in this way can hinder the free flow of traffic along Bath Road. However, there is no specific or substantive evidence before me to suggest that this is a notable problem which the appeal proposal would help to overcome. Notwithstanding this, even if I were to consider that a vehicle reversing off the site was acceptable, this would not overcome the harm found with regards to visibility.
12. I find, therefore, that the proposal would have a harmful effect on highway safety with particular regard to pedestrian visibility and vehicular access, and as a result would be contrary to policies SDWP21 and SWDP4 of the

¹ South Worcestershire Development Plan (February 2016)

Development Plan which seek development that addresses road safety, and the Framework as indicated.

Conclusion

13. For the reasons given, I conclude that the development would be contrary to the development plan and the Framework. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR