The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2018

Appeal Ref: APP/U3935/W/18/3201972
529 Queens Drive, Park South, Swindon, Wiltshire SN3 1AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Glenn Goodenough against the decision of Swindon Borough Council.
- The application Ref S/HOU/18/0291 is dated 12 February 2018.
- The development proposed is the dropping of kerb for access for off road parking (2 slanted kerbs and 3 flat kerbs).

Decision

1. The appeal is allowed and planning permission is granted for the dropping of kerb for access for off road parking (2 slanted kerbs and 3 flat kerbs) at 529 Queens Drive, Park South, Swindon, Wiltshire SN3 1AX, in accordance with the terms of the application, Ref S/HOU/18/0291 dated 12 February 2018, subject to the conditions set out in the Schedule attached to this decision.

Preliminary matters

2. The appeal follows the failure of the Council to give notice within the prescribed period of a decision on an application for a dropped kerb access for off road parking. The Council has subsequently clarified that had it had opportunity to determine the application, it would have been refused for highway safety reasons.

Main Issue

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

Reasons

4. The appeal relates to a semi-detached dwelling which fronts onto the footway and verge on the eastern side of the A4259 Queens Drive, which at this point is a dual carriageway with a 40mph posted speed limit. The road forms part of the Borough's strategic highway network, linking the town centre with the A419 trunk route at Commonhead roundabout.

5. Within this context, it would be unacceptable for reversing movements generated by even one additional dwelling to take place onto this road. It is imperative therefore that there is adequate space for the parking of two cars as

well as sufficient manoeuvring space to enter and leave the site in forward gear.

6. Unfortunately the appellant has not provided a tracking diagram or verified scaled drawings to demonstrate that this could be achieved. However, imperial dimensions of the frontage area have been provided and no evidence is provided by the Council to dispute the figures shown. Based on my own observations and the information before me, I am satisfied that the site frontage area, in combination with the area to the side of the dwelling, is large enough to be capable of accommodating two car parking spaces as well as adequate manoeuvring space so that it would not be necessary for vehicles to reverse into or out of the site.

7. Indeed, whilst noting the shortcomings of the drawings, the Council's Transport Manager has confirmed that the dimensions, if accurate, would suggest that sufficient space for this purpose. It is stated that this would require surfacing, in part, the path and the landscaped area east of it or alternatively using the area to the side of the house. On this basis the Transport Manager has confirmed the acceptability of a condition requiring a suitably scaled layout plan to be submitted and approved.

8. Moreover, the Council acknowledge that the site would provide adequate visibility splays and based on the information before me and my observations on site, I find no reason to disagree.

9. The Council's concerns are that the proposal would interrupt the free flow of traffic along Queens Drive with vehicles slowing down to enter the site and then slowly re-joining the carriageway, to the detriment of highway safety. However, I observed at my site visit that a number of properties on this side of Queens Drive already have dropped kerb access to frontage parking areas. Whilst it is unclear whether or not these benefit from planning permission, no evidence, such as personal injury collision data, has been provided which demonstrates that their use has resulted in any incidents or particular highway safety concerns.

10. I appreciate that safeguarding the capacity of the dual carriageway is an important objective and restricting turning movements to and from it forms part of that capacity optimising strategy. However, I have no evidence to demonstrate that the turning movements associated with one dwelling would result in material harm in this regard and the Council has not raised potential precedent concerns.

11. I therefore conclude that in the particular circumstances of this case, the proposal would not be harmful to highway safety and would not be in conflict with Policy T2 of the Swindon Borough Local Plan or section 9 of the National Planning Policy Framework. These require, amongst other matters, that development proposals provide access that is appropriate to the scale, type and location without detriment to highway safety.

Conditions

12. I have had regard to the conditions that have been suggested by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.

13. In the interests of highway safety, conditions are necessary to ensure provision of the dropped kerb and appropriate surface water drainage arrangements, prior to beneficial use commencing. Although the Council has not recommended that a condition should be imposed regarding parking and manoeuvring arrangements, such a condition is also necessary in the interests of highway safety. This issue has been raised by the Council's Transport Manager so its inclusion will not be a surprise to the appellant, who in any case, has had opportunity to comment on this issue.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

INSPECTOR

SCHEDULE OF 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: site location plan, block plan, block plan showing visibility and block plan showing frontage width and pavement and verge widths.
3. The access shall not be brought into use until dropped kerbs have been installed at the carriageway edge and a vehicle crossover constructed in a bound material within 6m of the carriageway edge across the footway and verge fronting the site for the width of the access.
4. Prior to beneficial use of the access commencing, the vehicular parking and manoeuvring space shall be laid out in accordance with details to be submitted to and approved in writing by the local planning authority. The parking and manoeuvring space shall be retained for those purposes thereafter.
5. Prior to the beneficial use of the access commencing, provision shall be made within the site frontage area to ensure that surface water drains within the site and not onto the adopted highway.