



Appeal Decision

Site visit made on 19 June 2019

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/U4610/D/19/3227426

1 Fosseway Road, Coventry, CV3 6JQ

- 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 Mrs Imelda Law against the decision of Coventry City Council.
 - The application Ref HH/2019/0300, dated 6 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is the extension of a dropped kerb for vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of a dropped kerb for vehicular access at 1 Fosseway Road, Coventry, in accordance with the terms of the application Ref HH/2019/0300, dated 6 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Location Plan TQRQM18363152201417; 1:500 scale Block Plan No. TQRQM18363152741543; and Drawing No. P2018 3565

Main Issue

2. The main issue is the effect of the proposal on the safety of pedestrians using Fosseway Road.

Reasons

3. Fosseway Road is a cul-de-sac of dwellings, which is situated within the urban area of Coventry. The road is relatively narrow and during my site visit I observed vehicles parked partly on the pavements, in addition to those parked on driveways at the front of the properties. The appeal property already has a dropped kerb and off-street parking space within a hard-surfaced area in front of the dwelling.
4. The proposal is to widen the existing 3m wide dropped kerb by a further 6m, which would extend across the full width of the site frontage. The appellant points to the difficulties caused by on-street parking, particularly in relation to access for emergency vehicles.
5. The Council refers to Policy AC2 of the Coventry Local Plan 2016 in its decision notice. Whilst I do not find this to be wholly relevant to the appeal proposal

(as it is more concerned with strategic matters), it does refer to highway safety as a consideration when assessing new development proposals. On a more detailed note, the Council states that the proposal conflicts with its current Technical Design Standards for dropped kerbs, as it would exceed the maximum crossing width of 2.7m. The Council argues that the proposed extended dropped kerb would not provide adequate pedestrian refuge and, as a result, it would present a danger to pedestrian safety. In reaching my decision, I have also taken into account the content of paragraph 109 of the National Planning Policy Framework 2019, which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

6. I agree that the appeal proposal would not adhere to the Council's technical standard but, as with all planning applications, I am required to deal with each case on its merits, having regard to the individual site and its surroundings. In this case, the restricted width and relatively short length of Fossey Road, together with the occasional incidences of on-street parking, has resulted in vehicles being likely to move at slow speeds and being driven with care and attention. In addition, there is clear visibility for both pedestrians and drivers, because the road is straight. Accordingly, drivers of manoeuvring vehicles are able to clearly see pedestrians and vice versa. Furthermore, being able to easily park on the frontage of the appeal site would, in my view, be in the interests of highway safety, as it will discourage some on-street parking and make access easier for service and emergency vehicles.
7. Consequently, I consider that the material considerations detailed above outweigh the conflict with the Council's Technical Design Standards and the proposal would not have an unacceptable impact on highway safety.

Conditions

8. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance.
9. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

Conclusion

10. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR