



Appeal Decision

Site visit made on 18 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/U4610/D/19/3236439 267 Sewall Highway, Coventry CV2 3PD

- 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 S Akhtar against the decision of Coventry City Council.
 - The application Ref HH/2019/1650, dated 18 June 2019, was refused by notice dated 16 August 2019.
 - The development proposed is vehicular cross over.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to the Coventry Local Plan 2016. I have been provided with the front cover of the Coventry Local Plan which confirms that the adoption date is 2017.

Main Issue

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

Reasons

4. The appeal site is situated in an area which is predominantly residential in character. No 267 Sewall Highway is a mid-terrace two-storey dwelling. The majority of properties on Sewall Highway do not have off street parking to their frontages. The appeal property is one such property, although there is parking available to the rear of the property as well as an existing disabled parking space marked out on the road to the front of No 267 available for the use of the appellant. On-street parking is not restricted to the section of road to which the appeal site is situated. I noted on my site visit that the use of the grass verges next to the road for the parking of vehicles is prevalent. Sewall Highway is a well trafficked road and there is a bus stop in close proximity to the disabled parking space.
5. As part of the proposals, the frontage to the appeal property would be surfaced with tarmacadam to provide a parking space. The dimensions of the parking area would not be of a sufficient size to allow for a vehicle to turn around within the site. It is therefore likely that vehicles would be exiting the site in reverse. On street parking that takes place, both on the highway and on the grass verges, would restrict visibility for drivers exiting the appeal site and for oncoming traffic. Visibility would be further impeded by any buses stopping at

the nearby bus stop and the telegraph pole and lamp post that are positioned either side of the proposed dropped kerb. These factors unacceptably increase the likelihood of conflict between pedestrians, cyclists and motorists and would impede the safe flow of traffic.

6. My attention has been drawn to examples of other properties in the area that have successfully applied to the Council for vehicular crossovers. However, I must consider the circumstances before me and the relationship of the proposal with highway safety. The examples put forward do not act as an endorsement for the provision of the proposed dropped vehicular crossover on to Sewall Highway which would have an unacceptable impact on highway safety. Whilst I do not have details of accident records before me, a proliferation of access points leading to vehicles reversing into a well trafficked road, where visibility is likely to be restricted, would undoubtedly increase risk for users of the highway.
7. I have given due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I note the evidence put forward including photographs of the current parking facilities available to the appellant and the letter of support from an Occupational Therapist. I sympathise with the appellant's situation and understand the desire for more convenient access to the dwelling. I also acknowledge the difficulties that would continue to be experienced for the appellant without the proposed development. However, I find that the wider public interest and the potential for an increase in danger to the safety of users of the highway must be determinative in this instance.
8. To conclude and for the reasons set out, the proposal would result in an unacceptable impact on highway safety. Consequently, in that regard, the development would be contrary to the general principles within Policy AC2 of the Coventry Local Plan (2017) (the LP) to mitigate and manage negative impacts on the safety of the highway network and paragraph 109 of the National Planning Policy Framework (the Framework) which states amongst other things that development should be refused if there would be an unacceptable impact on highway safety.
9. The Council have also cited Policy AC1 of the LP within their decision. This policy relates to development proposals which are expected to generate additional trips on the transport network. I have nothing before me which would lead me to conclude the proposal would generate additional trips. I have therefore not identified any specific conflict with this policy. Nevertheless, this does not override the harm identified above.

Conclusion

10. For the reasons given, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR