
Appeal Decision

Site visit made on 26 November 2019 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 16 December 2019

Appeal Ref: APP/D1835/D/19/3237191

90 Ombersley Road, Worcester, WR3 7EY

- 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 Peter Fellowes and Mr Steven Peverill against the decision of Worcester City Council.
 - The application Ref 19/00382/HP, dated 24 May 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the construction of off-road parking area.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on
 - (i) highway safety; and,
 - (ii) the character and appearance of the area.

Reasons

4. The appeal site comprises a two-storey end of terrace dwelling, located on the east side of Ombersley Road. It is of similar character and appearance to properties within the wider terrace and is elevated above the highway behind a raised front garden. This proposal seeks permission to construct an off-road parking area to the front of the property with associated dropped kerb, following removal of the garden and front boundary.

Highway safety

5. The site is located on a main classified road into and out of Worcester city centre. At the time of my site visit, whilst only a snap shot in time, it

appears to be a busy road, as expected of a main route. On-street parking on the southbound lane, immediately outside the appeal site, is unrestricted.

6. Whilst the Council, in the reason for refusal, suggests the parking spaces would be of an inadequate size, from the evidence before me it is clear the concern primarily relates to lack of available space to manoeuvre onsite so as to be able to leave safely in a forward gear.
7. Given the overall size of the available space, and based on all I have seen and read, I am unconvinced that a vehicle could manoeuvre within the space, particularly if one vehicle is already parked there, and as such is likely to either reverse into or out of the parking space. Reversing into the site would lead to vehicles slowing, stopping and turning off the busy road in reverse gear. This would be detrimental to the free flow of traffic along the road. Reversing out of the space into the road, a situation where the driver's visibility would be limited, would be hazardous to both pedestrians and other road users.
8. Further, I have not been provided with any details of proposed visibility splays which indicate that sufficient sightlines could be achieved when leaving the site in a forward gear. The appellant has confirmed that occupiers of No 94 are willing to reduce the height of the shared boundary wall so as to improve visibility for both themselves and the appellant. Indeed, I note their letter of support. The proposal also seeks to create a new lower boundary between the appeal site and attached dwelling. Nevertheless, the above measures would rely on development on land outside the control of the appellant, therefore I am not persuaded that the necessary visibility splays could be secured and maintained in perpetuity in both directions.
9. The appellant suggests that the removal of vehicles from Ombersley Road would be an improvement to highway safety. I have not been provided with any evidence to suggest the existing parked vehicles have caused obstructions or accidents. Further, I observed at the time of my site visit that, even with numerous parked vehicles along Ombersley Road, there was still sufficient space for two vehicles to pass. As such, I am unconvinced that the proposal is in the best interests of highway safety for the reasons noted above.
10. It is acknowledged that this proposal could improve the safety of the driver and those with limited mobility as they would be able to exit their vehicle on-site rather than onto the highway. However, this would not negate the impact of vehicles reversing onto or off the highway on vehicular and pedestrian safety.
11. There are several local examples of dwellings which have parking spaces to the front to which my attention has been drawn. Whilst some appear to have a greater area to manoeuvre, it is noted that many have a similar layout to the appeal proposal. However, there are no details before me as to whether these parking have been granted planning permission. Moreover, I have determined this appeal on its own merits and the visibility of the road in this location is a factor which has been taken into account. Accordingly, they do not justify the appeal proposal.

12. My attention has also been drawn to an appeal decision¹ in which it was determined that the proposed off-street parking space would not have an adverse effect on highway safety. However, the context of that appeal was that the property was the only one with no off-street provision in a long run of houses which had parking space at the front. The Inspector came to the view that in that context, manoeuvres arising from the proposal would be a fraction of that which already occurs. That context differs from the proposal before me where instances of reversing onto the highway are more limited. Whilst I have taken this decision into account, I have dealt with the proposal on the basis of the circumstances of this particular site.
13. For the above reasons, on the basis of the evidence before me and taking into account the benefits of the proposal, I conclude on this issue that the proposal would result in dangerous manoeuvres which would have a harmful effect on highway safety. As such, it would not comply with policies SWDP 4 and SWDP 21 of the DP which collectively seek to ensure, amongst other things, that development proposals address road safety and that vehicular traffic can access the highway safely.

Character and appearance

14. The appeal dwelling and front garden are raised above the highway and set behind a brick wall. This is the predominant boundary treatment along the wider terrace and this, combined with the raised position of the properties and gardens, is a distinctive feature along this frontage which creates a unified appearance. Whilst it is acknowledged there are variations in boundaries within the wider locality, the appeal dwelling is primarily read in the context of the character of the terrace.
15. This proposal would require the full removal of the front brick wall and lowering of the front garden. This would result in a significant alteration to the established character of this part of the street scene and would appear at odds with the wider terrace.
16. From the evidence before me it is clear both main parties consider the removal of the front wall to fall within permitted development rights. I have no reason to find otherwise. However, the Council notes that permission would be required for the levelling of the site. As such, this is not considered a reasonable fallback position.
17. Consequently, the proposal would have a harmful effect on the character and appearance of the area and is therefore contrary to policy SWDP 21 of the DP which seeks to ensure, amongst other things, that developments complement the character of the area and respond to surrounding buildings and the distinctive features or qualities that contribute to the visual interest of the frontages and streets.

Other Matters

18. The appellant notes that the creation of two parking spaces would comply with current guidance for three bed properties. However, I have not been provided with a copy of this guidance and cannot therefore be sure if the

¹ Appeal Ref: APP/D1835/D/16/3143024

standards relate to maximum or minimum provision. Moreover, the lack of off-street parking in this instance is an historic arrangement. As such, this matter carries limited weight.

19. I have considered the letters of support for the proposal and acknowledge that it may improve visibility and the ability to exit the neighbouring driveway safely. This benefit of the scheme carries limited weight in favour of the proposal. I have not been provided with any evidence of illegal parking but nevertheless, it is not clear how this proposal would prevent it. Further, the appeal site is some distance from Perdiswell Street therefore I am not convinced that the removal of on-street parking in front of the appeal site would improve visibility in this regard.
20. I acknowledge that there may be benefits of providing off-street parking, including the ability to charge an electric vehicle in a convenient location. However, the limited scale of the development limits the weight I can afford to the matter as a benefit of the scheme.
21. It has also been suggested that this proposal would reduce surface water run-off. It was observed on site that there was significant soft landscaping and shrubbery to the existing front garden and the amount of hardstanding was limited to the pathway. The proposed parking area would be finished with permeable block paving and, given its coverage across the entire space to the front, there is no clear evidence that it would result in similar, or better levels of permeability than the existing garden. As such, this matter carries limited weight.
22. I acknowledge that the proposal will result in some public benefit as outlined above. However, taken individually and cumulatively, those benefits do not outweigh the harm to highway safety and to the character and appearance of the area that I have identified, harm which carries considerable weight.

Conclusion and Recommendation

23. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR