
Appeal Decision

Site visit made on 3 February 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/D0840/D/19/3238749

7 Halt Road, St Newlyn East TR8 5LL

- 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 John Martyn against the decision of Cornwall Council.
 - The application Ref PA19/06621, dated 29 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed is the demolition of front boundary wall with garden re-profiled to form new off road parking for one vehicle.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed parking arrangement on highway safety in Halt Road; and,
 - The effect of the proposed development on a non-designated heritage asset.

Reasons

Highway Safety

3. The appeal property comprises a mid-terrace two storey dwelling with projecting bay window, located on the eastern side of Halt Road. The dwelling is set back from the highway behind a modest sized front garden. The front garden is bordered by a low stone wall which separates the appeal property from a very narrow pedestrian footway which abuts the highway.
4. The proposal seeks to remove the low stone wall to the front, with the raised beds within the garden area being removed in order to provide space which the Appellant intends to use for vehicle parking. Parking within this section of Halt Road is predominately on street.
5. At my site visit, I observed that the dimensions of the front garden area at the appeal property, is of a size that would restrict the ability of cars to manoeuvre. Given the limited size of the front garden area, vehicles using it would be likely to have to perform a number of manoeuvres to exit or enter the site which would be somewhat harmful to the free flow of traffic along the adjacent highway. At the time of my site visit, cars were parked tightly up to

- where the proposed access would be located. This on-street parking would limit the emerging visibility of a car exiting the proposed parking space.
6. Furthermore, the boundary with the dwelling located adjacent to and north of the appeal property is a high stone wall which would severely restrict visibility. This, in combination with the above and due to the location of the site on a bend in the road, would severely limit visibility for vehicles exiting the proposed parking space onto the highway. It follows that the restricted visibility of drivers exiting the proposed parking space would be likely, in my view, to cause conflicts with other road users and thus cause a harmful effect to highway safety within this section of Halt Road.
 7. In addition to the above, by reason of the likely number of manoeuvres required to enter and exit the proposed parking space and due to the restricted width of the adjacent footway, in my view the proposal would also compromise the safety of pedestrians using the footway. The plans which accompanied the planning application, shows that a vehicle parked in the proposed space would result in the doors to one side of the parked vehicle opening up over the narrow footway. In my view, it is likely that when a vehicle is parked within the proposed space, pedestrians would be forced to walk around the vehicle and into the highway in order to move past the appeal site. This would be harmful to pedestrian safety and to the safety of drivers travelling along Halt Road.
 8. Due to the restricted onsite manoeuvrability provided by the front garden area and given the restricted visibility of vehicles exiting the proposed parking space, the proposed development would cause harmful effects to highway safety within Halt Road and would further compromise pedestrian safety. The proposal would therefore conflict with Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 ('the Local Plan') and would be contrary to the provisions of paragraphs 108 and 109 of the National Planning Policy Framework (the Framework). Taken together, and amongst other things, these seek to ensure that developments provide safe and suitable site access for all and do not adversely affect highway safety.
 9. Whilst I acknowledge the Appellant's contention that in providing off street parking at the appeal site, highway safety of vehicles entering and exiting the nearby Carland View and Tinnens Croft would be improved, this would not overcome the harm to highway safety of drivers and pedestrians within Halt Road which result from the likely number of manoeuvres and severely restricted visibility of vehicles emerging from the proposed parking space as described above.
 10. The Appellant has further put it to me that construction traffic in relation to a nearby development which has been approved by the Council, has damaged vehicles within Halt Road. However, as this is a matter of civil law, and a planning application is determined on its planning merits, this is a consideration that has not altered my assessment of the appeal.
 11. Furthermore, I also acknowledge the Appellant's submission that the projecting bay window described above, would be removed in the future and thereby allow for a greater amount of space for car parking to the front of the appeal property. However, there is no evidence before me to confirm that such works to the front of the dwelling would be carried out and even in the event that such works were performed at the site, this would still not improve the visibility of vehicles emerging from the proposed space and into traffic within Halt Road.

Effect on non-designated asset

12. The Council identifies the stone boundary walls fronting each property within the terrace which includes the appeal property, as a non-designated heritage asset. Based on my site visit and from the information before me, the significance of these walls is derived from their appearance which is characteristic of a historic street pattern. As such, and in accordance with the Framework, the stone boundary walls have a degree of significance meriting consideration in this decision.
13. The Framework states that local planning authorities should recognise assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.
14. The proposal would result in the loss of all attributes forming the significance of the heritage asset, and which contribute positively to the character and appearance of the terrace of residential properties. In my view, the demolition of the stone wall to the front of the appeal property would have an unacceptably harmful effect upon the character and appearance of the area.
15. Balanced against this loss, I accept that there could be some economic benefit in terms of employment during the demolition and re-profiling of the front garden. However, such a benefit may not arise and, in any event, such a benefit would not outweigh the harm that would result from the loss of this part of the non-designated asset, nor the harm that would be caused to the character and appearance of this section of Halt Road.
16. Consequently, the proposal would conflict with Policy 24 of the Local Plan which seeks to ensure that development protects and conserves the historic environment. Furthermore, the proposal would not accord with the provisions of paragraphs 184 and 197 of the Framework which requires that the potential impacts of development on non-designated heritage assets is considered and that proposals conserve such assets in a manner appropriate to their significance.

Other Matters

17. I have considered the Appellant's submissions that planning permission has been granted for sites which the appellant contends are comparable to the appeal site, and I agree that consistency in planning decisions is a key consideration. However, I have not been provided with the full details of these schemes and so cannot be certain that the circumstances are the same. In any case I have considered the appeal proposal on its own merits.

Conclusion

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

A Spencer-Peet

INSPECTOR