
Appeal Decision

Site visit made on 22 January 2020

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/H1840/D/19/3238570

Trevose, 36 Greenhill, Evesham, Worcestershire WR11 4LR

- 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 Fisher against the decision of Wychavon District Council.
 - The application Ref: 19/01582/HP, dated 1 August 2019, was refused by notice dated 10 September 2019.
 - The development proposed is to remove the boundary wall adjoining the pavement and insert a new drop kerb outside front of property.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr John Fisher against Wychavon District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety along Greenhill (A4184).

Reasons

4. The appeal property fronts onto the A4184 Greenhill highway. It would appear that 36 Greenhill was probably originally constructed as one large two storey residence, but has since been subdivided between, Trevose, the appeal property, and Almondbury, which has a side entrance. Both properties share the same number, 36, and are flanked by large detached houses at 34 Greenhill and 38 Greenhill on either side. The respective numbering of the properties lends credence to the view that No 36 was once a single property. That is significant because, as a result of the subdivision, the front garden has also been divided, with the garden of Trevose smaller than the gardens of most other properties along this part of the road.
5. It is proposed to remove most of the front garden boundary wall adjacent to the pavement and to insert a dropped kerb to the carriageway. The purpose is to create an off-road parking area to the front of the house, with vehicular access, via the pavement, to and from the adjacent Greenhill, A4184. The appellant indicates that the parking area, occupying the existing garden, would be 6 metres wide and about 11.7 metres long.

6. The Council is concerned that the parking area would not provide enough manoeuvring space to enable a driver, having entered in forward gear, to turn around to exit in forward gear onto the A4184. It considers that having to reverse out over the pavement and onto the A4184, a main route into Evesham, would jeopardise highway safety.
7. That view is also shared by the relevant highway authority, Worcestershire County Council. It states that it has '*undertaken a robust assessment of the planning application*' and unequivocally recommends refusal because of insufficient manoeuvring space to enable vehicles to exit onto '*the busy principal road in a forward gear.*'¹
8. It is reasonable to place significant weight on the professional judgement of the highway authority who have expertise in highway matters, especially when their assessment is clear and definite. The proposal is a resubmission of a previous application refused for the same reason.² The District Council and the highway authority appear to have been consistent in their views over both applications.
9. The appellant maintains that the submitted plans³ show that it would be possible for a car to conduct a three-point turn within the parking area to enable exit in forward gear. However, the District Council and the highway authority have considered those plans in assessing the application.
10. I have turned my own mind to the matter and am similarly unconvinced that the submitted plans are necessarily a realistic representation of the manoeuvring capabilities of an average sized car. Even if they were, it seems to me that, given the limited width of the proposed parking area at 6 metres, such a manoeuvre would not be easily accomplished. Therefore, it is reasonable to consider that some drivers might find it easier and preferable to reverse out onto the road.
11. While I appreciate that that is not the appellant's intention, there would be nothing to prevent that manoeuvre or to govern the choices of future occupiers. Moreover, it is possible that larger vehicles or vans could be parked to the front of the house, which would further reduce the likelihood of three-point turns being easily achievable in what is a relatively confined space.
12. A letter sent by the appellant in connection with the previous application, refers to technical specifications and a mathematical formula, which the appellant submits support his view that the turning space would be sufficient.⁴ However, as already established, that application was refused for the same reasons, notwithstanding the content of the letter. Furthermore, there is no clear evidence that the letter or any of the other appeal submissions from the appellant have been prepared by a professionally qualified highways consultant and the sources of the technical specifications are unclear. Therefore, I am more persuaded by the professional assessment of the highway authority on the matter.
13. The appellant refers to dimensions for parking spaces given in the 'Streetscape Design Guide' (SDG). However, while the hardstanding area may be able to

¹ Dated 13 August 2019

² 19/00587/HP

³ Drawing Nos A100 Rev B and A101 Rev B

⁴ Appeal Statement: Appendix D1

accommodate these, that does not indicate that it provides sufficient manoeuvring space to exit in forward gear. Similarly, while the appellant says that the SDG lists carriageway widths of 5.5 metres, that does not mean that such carriageway widths are considered ideal or sufficient for regular and repeated three-point turn manoeuvres, as would be required in the proposed parking area.

14. An exchange of emails relating to the previous refused application has been submitted by the appellant.⁵ In that exchange, the Council stated: *'While there may be enough space within the proposed driveway this will need to be demonstrated within the submitted plans'*. The appellant interprets that statement as clearly showing that the Council, *'at that stage were of the opinion that there would likely be sufficient space for vehicles to turn on the site, but that this would need to be shown on submitted plans'*.
15. However, the Council was responding to the appellant's email stating that their planning consultant had confirmed that there was *'enough space to turn a vehicle to be able to access the highway in a forward motion, which was always our intention.'* Therefore, given that context, I do not agree with the appellant's interpretation of the Council's statement. It seems to me that the Council was simply saying that while the appellant's planning consultant may have asserted that the space was sufficient and that may be the case, that would need to be demonstrated on appropriate plans.
16. While plans have been submitted with the current application, those plans were considered by the District Council and the highway authority, who remained unconvinced, for the reasons already discussed above. Therefore, I see no anomaly or contradiction in the appeal proposal again being refused by the Council for the same reason as the previous application.
17. The appellant refers to existing off-road parking at neighbouring properties. However, those properties appear to have larger parking areas or different layouts, with sufficient space to turn around, in contrast to the limited area proposed at the appeal property. Therefore, they offer more easily usable turning and manoeuvring areas. For example, the adjoining property at Almondbury, even though it is not as large as some others, still offers a wider turning area than the appeal site, as it benefits from a driveway extending to the side of the building. The fact that the other properties with off-road parking on this part of the road have been designed to enable turning and exit in forward gear, lends support to the view that it is necessary for reasons of highway safety.
18. A property at 48 Greenhill, about 100 metres or so north of the appeal site, is said by the appellant to *'have a much smaller front driveway than the appeal proposal, which would result in vehicles having to reverse on to the highway.'* However, no measurements of that space have been provided by the appellant for comparison purposes and, as I saw on my site visit, that property has an integral garage fronting onto the parking area, which offers potential additional parking or manoeuvring space. Therefore, that arrangement does not appear to be the same as the appeal proposal.
19. Moreover, I have no details of what may have led to that parking layout being approved, assuming that it was. In any case, the presence of one other small

⁵ Appeal Statement: Appendix D2

- hardstanding which may require vehicles to reverse out, but that appears untypical of the area, would not justify approving another, if harm would result.
20. The appellant refers to a '*number of existing properties*' along the highway '*which have been granted dropped kerbs, with no on-site turning facility*'. However, aside from No 48, dealt with above, no addresses of other properties with allegedly similar sized parking areas or details of the relevant permissions have been provided, and I did not see such properties during my site visit. Indeed, the houses in the terrace to the south did not appear to have any driveways or off-road parking.
21. Dedicated roadside parking spaces along the High Street some 350 metres from the appeal site, which require vehicles to reverse out of them, are referred to by the appellant. However, they are groups of spaces immediately adjacent to the road, which would be clearly visible to oncoming vehicles. They would also not involve reversing out over a pavement. Therefore, while they may not be ideal, the comparison with an off-road residential parking area is limited.
22. The appellant says that the proposal would assist in reducing the possibility of vehicles parking on the highway along Greenhill and Victoria Avenue, which he appears to accept would be potentially hazardous to drivers, pedestrians and cyclists. Yet at the same time, the appellant maintains that, even if vehicles did have to reverse onto or off the site, it has not been evidenced that there would be a detrimental effect, which appears inconsistent.
23. Moreover, as many properties on both sides of Greenhill have off-road parking, they would be unlikely to need to park on the roadside. No compelling evidence has been presented to suggest that there are currently significant roadside parking issues in the area, although it is agreed that Greenhill is not suitable for that purpose.
24. According to the appellant the proposal would benefit from good visibility in both directions, as the properties either side already have off-road parking so vehicles would be unlikely to be parked on the roadside obstructing views. However, although the highway is relatively straight, a driver reversing out would not have good visibility of oncoming traffic proceeding along what appears to be a busy 'A' road. Additionally, a driver would also be reversing over a pavement, albeit a relatively wide one, and potentially into the path of pedestrians. As the neighbouring properties with off-road parking appear to have sufficient space for drivers to turn and exit in forward gear, there would be inter-visibility between those drivers, pedestrians and oncoming vehicles, which would not be the case with the appeal proposal.
25. In any event, while I note the appellant's opinion, I place greater weight on the professional view of the relevant highway authority, who consider that reversing out onto a busy principal road is potentially hazardous. Although I appreciate that my site visit, at about 1100 hours on a Wednesday, represents only a snapshot in time, there was a continuous stream of traffic in both directions on the A4184, in the vicinity of the appeal property. Based on the evidence before me, I see no compelling reason to depart from the assessments of the highway authority and the District Council.

26. An appeal decision relating to 93 Droitwich Road, Worcester is referred to by the appellant.⁶ In that case a proposal was allowed for a dropped kerb even though vehicles would have to reverse out of the site. The Inspector considered that *'the scheme would have safety benefits because it would be preferable to parking along the unrestricted kerb at the front of the property....'*⁷ The appellant holds that that consideration is the same in the current appeal.
27. However, in the Droitwich Road appeal the Inspector referred to numerous other properties along the road with dropped kerbs but noted that: *'Very few of these houses have space to turn a vehicle within the curtilage, so they already give rise to turning and reversing within Droitwich Road.'* The Inspector found the proposal acceptable, partly because the existing level of reversing manoeuvres did not appear, on the evidence before him, to have led to *'particular difficulties in terms of highway safety or traffic flow.'* Therefore, he did not consider that an additional similar driveway would be significant in that particular context.
28. In contrast, the context of the appeal proposal before me is different, in that the other properties with off-road parking that I saw do have space within their curtilage to turn a vehicle. It follows that there is not likely to be a significant existing level of reversing manoeuvres along this part of Greenhill. Therefore, there is no proliferation of similar driveways or history of reversing manoeuvres to be able to conclude that difficulties in terms of highway safety would not be caused along this road.
29. Consequently, while there are some similarities between the Droitwich Road appeal and the appeal before me, there are also material differences. Additionally, I do not have full details of the evidence that was presented in that appeal and, in any case, all appeals should be judged on their individual merits and site-specific characteristics, which is the approach I have taken. Moreover, the appellant's main contention in the appeal before me is that the proposal would offer sufficient space to turn, which I have dealt with above.
30. It is also understood that the appeal property includes a single garage to the rear, accessed via Victoria Avenue and Sandringham Close. The appellant's appeal statement says: *'In previous years the occupiers of the property have been able to park their cars in front of their garage, and in front of a neighbour's garage. However, due to changes in property ownership, the previous agreement has ended, as the new owners park their car in front of their garage.'* The appellant advises that this *'all but renders the appeal property's rear parking space inaccessible, due to lack of manoeuvrability [sic] to enter and leave the parking space'*.
31. However, there appeared to be a reasonable amount of space adjacent to the rear garages to enable cars to manoeuvre and park. There is also nothing definitive before me to indicate that the garage itself could not be used to park a vehicle. In any event, such disputes are ultimately a civil matter between the respective parties and would not justify a proposal that is unacceptable in highway safety terms. Furthermore, the existence of the single garage and a parking area in front of it at least bring into question the appellant's contention

⁶ APP/D1835/D/16/3143024

⁷ Paragraph 5

that, but for the appeal proposal, he would be forced to park on the highway at Greenhill or on Victoria Road.

32. The appellant says that during the course of this and the previous application, he has asked the Council and the highway authority on several occasions for the '*specification dimension requirements for turning spaces for vehicles*' but that these have not been provided. The Council indicates that their local guidance does not provide such dimensions and a professional judgement is made in individual cases, which appears to be a reasonable approach.
33. Referring to a motion passed by the Council to be carbon neutral by 2030, the appellant advises that the proposal would enable the property to benefit from an electric car charging point, which would allow him to purchase an electric car. While the benefit of such facilities is acknowledged, that would not justify a proposal that would harm highway safety. Moreover, it may be that such a facility could be provided via the garage to the rear of the property.
34. Overall, the above factors lead me to conclude that the proposed development would cause unacceptable harm to highway safety along Greenhill (A4184). Therefore, the proposal would not comply with policy SWDP4 of the South Worcestershire Development Plan⁸ which indicates, amongst other things, that proposals must demonstrate that they address road safety. It would also be contrary to relevant policies within the National Planning Policy Framework (the Framework)⁹, which indicate that development can only be refused on highway grounds if there would be an unacceptable impact on highway safety, and that it must be ensured that safe and suitable access to sites can be achieved for all users.

Conclusion

35. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR

⁸ Adopted February 2016

⁹ February 2019