

Appeal Decision

Site visit made on 9 March 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/N1160/D/19/3241885

157 Stuart Road, Plymouth PL1 5LG

- 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 Jay Amies against the decision of Plymouth City Council.
 - The application Ref 19/01022/FUL, dated 24 June 2019, was refused by notice dated 19 September 2019.
 - The development proposed is construction of an area of hardstanding at the front of the property in order to create a domestic vehicle crossing/dropped kerb. The dropped kerb has been approved by Plymouth CC.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jay Amies against Plymouth City Council. This application is the subject of a separate Decision.

Main Issue

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

Reasons

4. Stuart Road is a busy main route into Plymouth city centre. It is sufficiently wide along much of its length to accommodate parking on the sides of both carriageways. It also has footways on both sides.
5. The appeal dwelling has a deep front garden fronting Stuart Road set behind a low boundary wall. There is some vegetation within the garden and a tree located close to the side boundary. The more prominent tree specimens are spaced at broadly regular intervals along the edge of the wide public footway.
6. The appeal proposal seeks to introduce an area of hard surfacing within part of the front garden to accommodate off-road parking. There would also be some associated works within the highway to provide a dropped kerb from the footway edge onto the carriageway. Though the dropped kerb aspect has been approved separately by the Local Highways Authority, the provision of an access is also a matter for assessment under the Town and Country Planning Act 1990 owing to the classification of Stuart Road.
7. Whilst the hardstanding would be adequately sized to accommodate a parked vehicle, it could not accommodate the turning manoeuvres necessary to allow vehicles to enter and leave in first gear, i.e. a three-point turn. Though the appellant indicates that a multi-point turn would be possible, in my view, given

the limited space available, this would involve a far higher number of incremental manoeuvres and is unlikely to be an attractive alternative to reversing out into the highway, or reversing into the parking space in the first instance. Either way, any reversing onto the footway would put the safety of pedestrians at greater risk than when driving in a forward-facing direction.

8. In reaching the above finding, I have taken a standard vehicle length into consideration, as the size of the appellant's current vehicle is not an aspect that could be conditioned. I also note the appellant's willingness to extend the length of hardstanding in order to increase the size of the parking and turning space. On the basis of the limited evidence before me, I cannot be sufficiently satisfied that a planning condition to this effect would achieve the simplicity of turning manoeuvre that would negate the need to reverse into, or from the carriageway.
9. Though I appreciate that reversing manoeuvres need to be undertaken within the highway in order to parallel park into on-street spaces, this does not typically involve any vehicles crossing the wide footway which is the issue in this case.
10. The other factors which make this particular stretch of highway less suited to off-road parking include the curvature of the road, which limits the view of oncoming traffic in both directions, and the existence of parked vehicles either side of the access. In addition to the substantial street trees which themselves also present an obstruction to visibility, the combination of these aspects would inhibit the view of users and lead to prejudicial highway safety conditions.
11. Whilst I can understand the desirability for householders to have access to an off-road personal parking space on an otherwise busy stretch of highway, this detracts from the availability of on-street parking which is clearly in demand by a great number of users.
12. The proposal would therefore result in harm to the safety of highway users and would inhibit the free flow of traffic on the highway, contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (adopted 2019). This Policy, amongst other things, seeks to ensure safe and satisfactory traffic movement and vehicular access to and within sites.

Other Matters

13. Though I note that Nos 139 and 147 Stuart Road have off-road parking to the front, these dwellings were positioned further to the south-east before the curvature in the road diminishes the extent of visibility in either direction. I also noted that for No 139 in particular, the street tree to the south-east was a far smaller specimen that did not obstruct the view of oncoming traffic to the same extent as those nearer the appeal site. There is also limited information to indicate how these developments came to be in existence in the first place.
14. The appellant has logical and compelling reasons for seeking the proposal, not least for convenience and the safety of his young children and elderly relative. Despite this, it would not be in the public interest to permit a proposal that would potentially jeopardise the safety of other highway users.

Conclusion

15. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR