



Appeal Decision

Site visit made on 2 June 2020

by Simon Hand MA

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

Decision date: 11 June 2020

Appeal Ref: APP/P2114/C/19/3236301

25 Priory Road, Carisbrooke, Newport, Isle of Wight, PO30 5JU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Ben Vernon against an enforcement notice issued by Isle of Wight Council.
 - The enforcement notice was issued on 31 July 2019.
 - The breach of planning control as alleged in the notice is without planning permission, and within the last four years the formation of a vehicle access and creation of vehicular parking spaces by demolition of a boundary wall in the approximate position marked blue on the attached plan B and the laying of hardstanding shown in the approximate location marked green on the attached plan A.
 - The requirements of the notice are (i) to cease to use the unauthorised access in the approximate position coloured green on the attached plan A for ingress and egress of vehicles. (ii) To remove the hardstanding in the approximate location coloured green on the attached plan A. (iii) To re—instate a boundary wall at a minimum height of 300mm to a maximum of 1000mm (1 metre) in height in the approximate location marked blue on the attached plan B.
 - The period for compliance with the requirements is (i) 1 month; (ii) 2 months and (iii) 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the formation of a vehicle access and creation of vehicular parking spaces by demolition of a boundary wall in the approximate position marked blue on the attached plan B and the laying of hardstanding shown in the approximate location marked green on the attached plan A on land at 25 Priory Road, Carisbrooke, Newport, Isle of Wight, PO30 5JU, referred to in the notice, subject to the following condition:
 - 1) The development hereby permitted shall not be brought into use until plans showing the design, surfacing and construction of the hardstanding, together with details of the means of disposal of surface water drainage therefrom have been submitted to and approved in writing by the Local Planning Authority, and the development has been constructed in accordance with the approved details.

The Appeal on Ground (a)

2. Priory Road is a minor but busy road on the edge of Carisbrooke that is predominantly residential. At its southern end is a large motorcycle dealership, on both sides of the road. It then narrows and an 'S' bend takes it through closely packed but mostly detached houses to the junction with School Lane. From there it opens out and the houses are more spaciouly arranged. No 25 stands on the inside of the curve within the 'S' bend section. All the houses here are situated close to the road, with small front yards. The majority of these yards have been converted into parking spaces, similar to that under consideration here. Some of the houses also have short driveways and a few have garages, but clearly off-street parking is at a premium as the road has double yellow lines along it on both sides.
3. The appellant is in the process of constructing a parking bay in front of his house which would allow a car to be parked in a lay-by style. I saw on my site visit it was currently covered by rubble. The main issue is therefore the impact of this on highway safety.
4. In 2003 an appeal was made for a similar parking space at No 25 by, presumably, a previous owner. This was refused as the space was too small and it would require considerable manoeuvring in the road to enable a car to park there successfully. In 2018 an appeal was refused for Nos 17 and 19 for similar spaces on their front yards as they were considerably below the required standards and it was dangerous to manoeuvre in the road. The Council refused an application for the space at No 25 in April 2019.
5. The issue has always been highway safety. The latest evidence from the Council's highways advisors is that the lay-by space should be 3.5m x 8m in size and there should be visibility to the east and west of 33m. The lay-by space would actually measure roughly 3m x 7.5m so it is 50cm too short in both dimensions. The visibility to the west is 32m and to the east is 21m, according to the Council. They accept that visibility can be taken across neighbours' land, as all the current spaces do. However, it is truncated to the east by a fence at No 19.
6. This is an unusual situation because virtually all the houses have created their own parking spaces and in so doing have had to remove any fences or hedges in order to enable cars to get in and out. The effect of this is that the more spaces there are the less there is a highway problem as it generally makes it easier to access each space (except of course when both neighbours are already occupied) and removes any obstacles to visibility, except the parked vehicles themselves. Currently I noted that despite the refusal of permission, both Nos 17 and 19 had created parking spaces and they were in use. The fence at no 19 has been removed and visibility to the east is now, according to the appellant, up to 32m.
7. In my view the shortfall in visibility, like the shortfall in the size of the space, is minor. The fact that everyone else parks on their frontages and hardly any others have any greater room for manoeuvre, does not suggest that there would be any great change in the highway safety situation whatever the outcome of this appeal. I note there have been no traffic accidents involving parked cars for, according to the appellant, 30 years. There are also virtually no other possible spaces to be converted, so the decision would not set an undesirable precedent.

8. I do not know what the situation was like in 2003, but that was 17 years ago and I have judged this appeal on the basis of the evidence I have read and seen now. No 25 is also further from the bend in the road than Nos 17 and 19 and so is quite different from that appeal. Taking this altogether, I do not consider that allowing the appeal would create a highway safety issue.

Conclusion

9. The NPPF paragraphs 109 and 110 state that proposal should only be refused on highway grounds if there is an unacceptable impact on highway safety and that places should be safe. Any impact would be minimal if at all and the road will remain safe. Policy DM2 of the core strategy (2012) requires development to be safe and accessible, which it is, and optimise the potential of the site, which it does. The development is thus in accord with the NPPF and local policy.

Conditions

10. The Council have suggested conditions requiring details of the hardstanding and drainage to be submitted for approval and to remove Class A of Part 2 permitted development rights. The latter allow for walls etc to be built in front of the house. As the proposed development has required the removal of the wall (which the Council wanted reinstating) then it seems unlikely there is any danger of these rights being exercised as that would defeat the object of the development.
11. The appellant has provided a detailed diagram of the proposed parking space and says he has already improved the drainage. He also argues the hardstanding was not laid as alleged but simply repaired. I have no real evidence either way on this, but it is clear the previous hardstanding, if it existed, has been removed. It does not seem unreasonable, therefore, to require details of the new one and any drainage, to prevent run-off to the road from being agreed with the Council prior to the new space being brought into use. Although the works are in progress the use has not been made of the new parking space and so I can use that as a lever to ensure compliance with the condition requiring the plans to be agreed.

Simon Hand

Inspector