
Appeal Decision

Site visit made on 18 August 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/A0665/D/20/3251496
114 Tarvin Road, Chester CH3 5EE

- 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 Ms Emma Minshull against the decision of Cheshire West & Chester Council.
 - The application Ref 19/04580/FUL, dated 23 December 2019, was refused by notice dated 17 March 2020.
 - The development proposed is the creation of a drive to the front of the property, including alteration to front window and porch.
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Decision

1. The appeal is dismissed.

Procedure Issues

2. The name of the appellant is taken from the appeal form at part A. This is also the name at section 12 of the application form as the appellant's name at part 2 of the application form refers to the agent's details.
3. As I observed at the time of my site visit, the front wall and porch had been removed and I am therefore considering the appeal as part retrospective.

Main Issue

4. The main issue is the effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using Tarvin Road.

Reasons

5. The appeal site is a detached Victorian property and is located along Tarvin Road, a classified road 'A51' and a primary route into Chester City Centre. The road speed limit is 30mph and as I observed at the time of my site visit the road is excessively busy with vehicles, cycle and pedestrian movement. Parking is also restricted with double yellow lines along the highway of Tarvin Road, and outside the appeal site.
6. The proposals include the creation of a vehicular access with a parking area within the front garden of the property. To facilitate the access and parking area the porch structure, bay window and front boundary wall needs to be removed and a dropped kerb added.
7. I acknowledge the appellant's evidence in the technical note and references to 'Manual for Streets 2', however the proposed parking area would be restricted

due to its size, position and layout. Despite, the provision of a parallel parking bay, this would not be a typical layout and the appeal site is not capable to provide any turning area. The parking area would be tight and difficult to use due to the restricted space within the site and it would be likely that forward visibility would be restricted due to the bend and road layout. Therefore, the proposal would result in awkward manoeuvres in a forward or reversing motion onto the highway and would not provide safe ingress and egress on to Tarvin Road. Whilst reversing onto the drive, it would likely result in traffic having to stop unnecessarily on the busy highway. As such, the appeal proposal would not be in the best interests of highway safety.

8. Furthermore, it would be likely that other road users would not have a clear view of any vehicle manoeuvring from the drive, due to the awkward, unexpected manoeuvring required for the parallel parking, restricted size of the appeal site and road layout, to the detriment of their highway safety. Moreover, I do not consider that it is reasonable or likely that you could ensure that a vehicle using the access and parking area would always reverse onto the drive, allowing the vehicle to re-join the carriageway in a forward gear. I, therefore, consider the location of the access combined with the parking to be a dangerous situation for pedestrians and other road users.
9. The appellant's evidence relies on 'precedents' of accesses in the area, particularly along Tarvin Road. I have been provided with limited details of these and so cannot be sure they are directly comparable to the appeal scheme. Including whether planning permission has been granted for those. Furthermore, the majority of those that I saw had no dropped kerb to the frontage and were restricted in visibility and turning provision due to boundary treatments and size. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.
10. For the reasons outlined above, I conclude that the appeal proposal would have an unacceptable harmful and significant impact on highway safety for vehicle, cycle and pedestrian users. The development would be contrary to Policy DM21 of the Cheshire West & Chester Council Local Plan, 2015, which requires suitable provision is included for access and parking.
11. The development would also not accord with the highway safety aims of the National Planning Policy Framework, 2018 Paragraphs 108 (b) and Paragraph 109.

Other Matters

12. I am aware that the appellant considers the lack of a drive makes it difficult to safely park and unload belongings and the appellant's child. However, this does not outweigh the significant harm I have identified in regard to highway safety.

Conclusion

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

KA Taylor

INSPECTOR