



Appeal Decision

Site visit made on 25 August 2020

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2020

Appeal Ref: APP/Q1255/D/20/3248876

24 Ponsonby Road, Poole, Dorset BH14 9HE

- 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 Patrick Baptiste against the decision of Poole Council.
 - The application Ref APP/19/01494/F, dated 2 November 2019, was refused by notice dated 12 February 2020.
 - The development proposed is alteration to front garden to include space for car with raised decking area and retaining walls (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit, I observed that a raised decking area had been constructed to the front of the property with the supporting retaining walls set-back to form a car parking area. The Council has raised no concerns regarding the decking area or the retaining walls and consider them to be acceptable. I have no reason to disagree. I shall therefore limit my consideration of the proposed development to the forecourt parking area.
3. It may be the case that permission for an access would not require planning permission however, the development as a whole requires consent. An application has been determined by the Council and the matters within this appeal are therefore before me.

Main Issue

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

Reasons

5. This detached bungalow, in common with neighbouring properties on Ponsonby Road, has a steeply terraced front garden. A parking area has been created level with the highway. The bay is rectangular for around half of its width but narrowing considerably towards one side where the steps leading to the front door are situated. During my site visit there were two refuse bins within the parking area. Although no car was parked at the appeal site at the time of my visit, a photograph showing use of the parking area has been submitted. This demonstrates that it is possible to park a car within the space without an overhang on to the pavement.

6. The submitted details do not show the bay's precise dimensions. The plans do not demonstrate the presence of sufficient space for car users to use the car doors without potentially displacing or hitting pedestrians using the pavement. Moreover, it has also not been demonstrated how both a car, and the two refuse bins could be accommodated without the need for the car to overhang the pavement.
7. I accept that occupiers may become familiar with the constraints of a regularly used parking space. However, occupiers and/or the size of car used by them, may change within the lifetime of the development. This could result in vehicle overhang of the pavement, resultant displacement of pedestrians on to the road and to hazards associated with the use of the car doors. This would be particularly problematic for pedestrians with pushchairs, for children or those with disabilities. The current arrangement therefore harms highway safety.
8. The Council's highway officer has referenced four planning approvals relating to parking areas at No 14 (in 1997), No 16 (in 2006), No 18 (in 2013) and No 28 (in 2008). For No 28, the appellant reports that this was consented despite the officer report describing it as having limited usability. However, I have not been provided with a full copy of the officer report and am not aware of the context of this statement. Furthermore, this example, and those at Nos 14, 16 and 28, pre-date the current local plan and I have no certainty that they were determined under the same planning policy context. This hinders the potential for direct comparison between these examples and the appeal site.
9. A further three examples have been raised by the appellant. Firstly, at No 30, consent was granted in 2019¹ for an area 5.2m wide and between 2.4 and 2.5m deep. Due to the site constraints, this was deemed acceptable. The appellant has submitted a photograph showing a car parked within this bay. However, this example differs from the appeal site as it is rectangular and does not narrow at one end.
10. Second, is the forecourt at 4 Courthill Road. The layout of this site is very different to No 24 with no terracing present. Furthermore, dimensions were provided on the plans and can be seen to accord with advice for parking area dimensions contained within the Council's Supplementary Planning Document² (parking SPD). The plan also demonstrates how a car may be positioned and accessed without impinging on the pavement.
11. Finally, the parking area at No 20 has been cited but no detail regarding its planning status has been provided. At the time of my site visit this bay had a car present, part of which was overhanging the highway.
12. The principle of parking provision within the curtilage of properties in this area is well-established and the Council may have previously consented development which included parking bays which are not in accordance with standards set out within their SPD. During my site visit I observed several other forecourt parking areas in the wider area and note that they vary in orientation, shape and size. Some of these had cars present at the time of my visit, many were seen to overhang and to partially obstruct the pavement. I do not have the dimensions of these, or full details of their planning history and am therefore unable to make a direct comparison between these and the

¹ APP/19/01236/F.

² Parking and highway Layout in Development, Planning and Regeneration Services, 2011.

circumstances of this case. Furthermore, quoted statements within the Manual for Streets which suggest that consideration can be given to variance from standards, does not over-ride the need for unhindered pedestrian movement, particularly for those with pushchairs or with a disability.

13. I have no doubt that the road is unclassified and residential in character and Crashmap evidence shows no incidents in the past 5 years. However, Crashmap only records reported incidents, not pedestrian access difficulties or their displacement on to the road. I also accept that this parking bay could remove one car from on-street parking and decrease numbers of parked cars which pedestrians may need to pass between. However, this would represent only a minimal benefit which does not outweigh the harm to highway safety I have identified. In any case, pedestrians are likely to exercise greater care when crossing the road in comparison with using the pavement.
14. The current arrangement harms highway safety with respect to the needs of pedestrians and is contrary to Policy PP27(1) of the Poole Local Plan 2018 (Local Plan) which, within clause (f), seeks that spaces prioritise the needs of pedestrians, and within clause (g) requires parking in accordance with relevant standards. It would also be contrary to Policy PP35 of the Local Plan which, amongst other matters, seeks that development contributes to convenient and safe pedestrian routes and accords with the parking SPD.

Other Matters

15. I note that the appellant is dissatisfied with the way the Council has dealt with this application. However, such matters do not impact the planning merits of the appeal and I have not considered them within my decision.

Conclusion

16. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR