



Appeal Decision

Site visit made on 5 October 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/A1015/D/20/3255925

193 Boythorpe Road, Chesterfield, Derbyshire S40 2NB

- 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 Yashin Umerji against the decision of Chesterfield Borough Council.
 - The application Ref CHE/20/00155/FUL, dated 28 February 2020, was refused by notice dated 22 June 2020.
 - The development proposed is a dropped kerb and driveway to property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. I have taken the description of development in the banner heading above from the Council's decision notice because it more accurately reflects the development for which planning permission is being sought.

Main Issue

4. The effect of the proposal upon highway safety.

Reasons for the Recommendation

5. The appeal relates to a semi-detached property located within a residential area. To the front of the property is a grass verge and raised flowerbed which positively contribute to the character and appearance of the area. Although the grass verge and raised flowerbeds are not owned by residents, I understand that they currently maintain them. I observed on my site visit that traffic is relatively constant along Boythorpe Road and the existing off-street parking generally does not allow for cars to enter and exit in a forward gear.
6. The Successful Places Supplementary Planning Document (2013) (SPD) sets out that perpendicular parking bays should measure 2.4 metres in width and 4.8m in length. The drawings submitted with the application show that the proposed parking area would have a length of around 6.5m. Having said that, this figure does not take into account the front projection of the property or the

fact that part of the land included in the parking space falls outside the ownership of the appellant.

7. The Council states that the maximum length of the parking space that could be provided within land owned by the appellant is 3.9m. The appellant has not disputed this figure within their appeal statement. Parked vehicles are therefore likely to overhang the highway and would not be in accordance with the parking space measurements set out in the SPD. Unlike other driveways in the surrounding area, which tend to be of a single car width, the proposed arrangement is to hard surface the entire frontage. That could result in a number of cars parking and manoeuvring across the front of the site in the area which overlaps with the public highway, causing potential conflict with other road users.
8. The proposed scheme would involve engineering works in the form of a soakaway located within the highway and a driveway gradient in excess of the currently recommended maximum of 1 in 12. The proposed drainage is not considered good design because increased surface water run off should be captured within the site, so it does not increase highway safety water run off. The appellant states that they intend where possible to try and maintain the existing slopes and to follow the gradient that already exists. However, this is not clearly shown within the submitted drawings.
9. The appellant highlights that the scheme could be altered, and that the soakaway could be moved or removed from the scheme. However, in the absence of more detailed information as to precisely what solution is proposed, it is not clear whether such amendments could overcome the problem of surface water spilling down onto the highway from the steeply sloping driveway. Proposals generally cannot be amended through the appeal process. Where an appeal is made it is made against the decision of the Council and based on the plans submitted at the application stage. The suggested amendments have not been subject to any consultation. Thus, it is possible that neighbours or interested parties would be prejudiced by the amendment and so I am disinclined to consider it as part of this appeal and have based my decision on the submitted plans.
10. The submitted drawings do not clearly show the relationship of parked vehicles with the land within Highway ownership or the gradient of the proposed driveway, for example whether there would be retaining walls at each side of the driveway where it abuts neighbouring properties. Due to a lack of information, the appellant has failed to demonstrate that the driveway and parking area could operate in a manner that would not have an unacceptable impact on highway safety.
11. Due to the lack of detail in the submitted information, it is difficult to compare it to the nearby driveways. I do not have the full details of these applications, but the Officer's Report highlights that the driveway at Nos. 191 and 197 were granted over 20 years ago. In any case each application must be determined on its own merits.
12. The appellant highlights that the scheme would allow vehicles on the opposite side of the highway to park on the road instead of the pavement which would make it safer for pedestrians. Nevertheless, as a number of properties within this section of Boythorpe Road do not benefit from off-street parking, the proposed driveway would not have a significant impact upon the placement of

cars on the highway. Therefore, such benefits would not outweigh the harm identified.

13. For these reasons, based on the evidence presented, the proposed development would harm highway safety and result in a poorly designed driveway. Consequently, it would conflict with Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011 – 2031 (2013), the SPD and the National Planning Policy Framework which collectively seek, amongst other matters, to ensure new development provides adequate and safe vehicle access and parking.

Other Considerations

14. I acknowledge that the appellant is a taxi driver and the scheme would allow him to install an electric vehicle charging point. I understand the importance of reducing carbon emissions but do not consider such benefits would outweigh the harm identified.

Conclusion and Recommendation

15. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR