



Appeal Decision

Site visit made on 13 October 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/N1160/D/20/3257597
696 Wolseley Road, Plymouth PL5 1JL

- 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 J Hallpike against the decision of Plymouth City Council.
 - The application Ref 20/00323/FUL, dated 26 February 2020, was refused by notice dated 21 May 2020.
 - The development proposed is addition of link attached garage and balcony.
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matter

3. Since the Council determined the application, its 2013 Development Guidelines Supplementary Planning Document has been replaced by the 2020 Plymouth & South West Devon Joint Local Plan Supplementary Planning Document (SPD). The appeal has therefore been determined having regard to the 2020 guidance, although the relevant considerations are essentially the same.

Main Issue

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

Reasons

5. The appeal site is located on Wolseley Road. Although it is principally a residential street, it is a classified road and the section in front of the site serves as a bus route. The property has two off street parking spaces within an existing car port that has an open front directly onto Wolseley Road. In the proposed scheme, the car port would be replaced by a garage with a balcony on top. The submitted plans show a garage door directly fronting the highway but no details are provided as to its method of operation.
6. The Council has specific guidance on garages and highway safety in its SPD. The existing on site parking does not meet the SPD specification that where the entrance is on to a classified road, there should be room within the site for the vehicle to enter and exit the public highway in a forward gear. The existing

parking provision is therefore substandard in this regard. However, it meets the specification that entrances should be designed so that a vehicle can enter or exit in a single turning movement.

7. The SPD further specifies that off-road car parking should be designed so that cars do not overhang the highway, for example where a car is parked prior to a garage door being opened. To overcome this, it suggests that when a driveway is in front of a garage, it should be a minimum of 5.5m long. Given there is no driveway in this case, the expressed concern of the Highway Authority in respect of the garage door, (as opposed to the alternative of an open car port) is that vehicles wishing to access the garage would have to stand on the highway while the door is being opened/closed, whether that is by electrical or manual means.
8. As noted by the appellant, the existing situation is that vehicles attempting to turn into the site from the east would be stationary in the highway if they were waiting because of oncoming traffic. It is similarly commonplace for cars to be stationary elsewhere in the street when attempting to park on street or accessing off-street spaces. However, such short pauses in the highway are fairly commonplace actions that other highway users can expect to occur where the parking space that is being accessed, or the delay caused by oncoming traffic, is apparent.
9. If the garage door were to be remote electrically operated, similar short pauses in the highway could occur but the reason for such a pause would not be immediately apparent to other highway users because the spaces being accessed would initially be hidden by the closed garage door. Moreover, if there were a technical malfunction, as suggested by the Council, this would add to the delay. The alternative of a manual garage door would require a complete stop on the highway and an occupant leaving the vehicle. Notwithstanding this section of Wolseley Road being fairly wide, straight and having good visibility, the prolonged nature of such pauses would be hazardous for other highway users and in doing so adversely impact highway safety.
10. The appellant has referred to the fallback of erecting a pair of gates to the car port, similar to some other photographed off-street parking spaces found on Wolseley Road. However, in contrast to a garage door that would be regularly closed in order to secure the internal storage, gates or another form of barrier at the front of a car port are more likely to be left open for convenience while the vehicles are away from the property. Even if that were not the case, it would not justify the significant identified harm of the proposal which falls to be considered against planning policy.
11. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on highway safety. The development would conflict with Policy DEV29 of the 2019 Plymouth & South West Devon Joint Local Plan which, amongst other things, seeks to ensure safe and satisfactory traffic movement and vehicular access to and within a site. It would also conflict with paragraph 109 of the National Planning Policy Framework ('the Framework') which specifies that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. It would further conflict with the SPD which sets out that safety for pedestrians, cyclists and vehicles is paramount and obstruction should not be caused to the highway.

12. While the Council also referred to Policies DEV1, DEV20 and paragraph 132 of the Framework in its reason for refusal, it is considered there would be no direct conflict with those policies and the content of paragraph 132 is not applicable in this case.

Conclusion

13. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

PLANNING DECISION OFFICER