



Appeal Decision

Site visit made on 24 November 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/V1260/D/20/3258921

138 Malvern Road, Bournemouth BH9 3DD

- 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 Mathew Downs against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2020-27640-A, dated 23 April 2020, was refused by notice dated 1 July 2020.
 - The development proposed is described as 'formation of vehicle access to dwelling frontage from classified road via a new dropped kerb'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interests of clarity, at the time of the site visit the wall along the frontage and the gate shown in the existing site plan (Plan 4A) had been removed. The timber fencing above the north-western boundary wall had also been removed.

Main Issue

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

Reasons

4. The appeal property is a detached bay fronted house which faces Malvern Road, a classified road. While the appellant only seeks permission for a vehicular access to the dwelling frontage, the nature of the off-road parking provision that the access would serve must nevertheless be taken into consideration to ensure the access would not result in an unacceptable impact on highway safety.
5. The Council's reason for refusal refers to the proposed car parking/layout arrangement as not being compliant with relevant design guidance. In this regard there is the Local Highway Authority's (LHA) 'Dropped Kerb Guidance' (DKG) and general pedestrian safety advice, as well as the Council's published 2014 'Parking Supplementary Planning Document' (SPD).
6. The DKG specifies that where parking is parallel to the road, the space should be at least 2.8m x 6.5m. For pedestrian safety reasons, the LHA also considers that visibility splays of 2m x 2m with no obstruction more than 0.6m high are necessary at either side of where the ends of the parallel bay meet the back edge of the footway. These splays must be wholly within the site's own

- curtilage. There must also be unobstructed pedestrian access to the house entrance.
7. The SPD specifies that the minimum dimension of a standard parking space is 2.6m x 5m and the long dimension should be extended to 6m for parallel bays as a minimum. Furthermore, the dimensions may need to increase if the space is next to a wall or footway, as is the case here. The minimum distance between the end of the car (or car door) and a solid object (wall/fence) is 0.5m, thereby meaning the space at the appeal site should be 3.1m deep. While there are no references to the provision of pedestrian visibility splays, the illustration of the parallel bays shows additional triangular shaped spaces at either end which would have the same effect.
 8. In the proposed site plan (Plan 5B), a parking space measuring 1.8m x 4.8m is illustrated in front of the bay window and front door. Furthermore, a 2m x 2m visibility splay is shown on the south-eastern part of the frontage which would also enable unobstructed pedestrian access to the house entrance.
 9. In Plan 4A, the distance between the mid-point of the bay window and the back edge of the footway is shown as 2.46m. However, as the depth of the frontage gradually reduces as it progresses towards the north-western boundary, the narrowest point would be a degree less than 2.46m. The depth available for a parking space in the proposed position is therefore substandard having regard to the specified minimum dimensions of both the DKG and the SPD. In respect of the width, as the frontage is shown as 7.5m wide in Plan 5B, it would fail to meet the 10.5m expected by the LHA, (inclusive of the 2m splays at either side of the parking bay) and the illustrated width in the SPD.
 10. Although the appellant has suggested a vehicle could be parked further forward and at an angle to make use of the greater 3.43m depth between the front door and the back of the footway, this would intrude on the visibility splay shown in Plan 5B and interfere with the pedestrian access to the house entrance.
 11. The Council's reason for refusal goes on to consider that as a consequence of the car parking/layout arrangement being substandard, it would lead to a vehicle overhanging the footway. In response, the appellant has provided a photograph which illustrates that a vehicle may be parked in front of the bay window without overhanging the footway. Nevertheless, in order to conveniently gain access to/from the vehicle, the offside doors would partly open out onto the footway. Furthermore, it is not shown whether the nearside doors could be opened when parked in that position. As the width of the frontage is insufficient to accommodate the parking space and the pedestrian splays on both sides, or be of a sufficient depth, pedestrian safety on the footway cannot be assured and in this regard the proposal would be detrimental to highway safety.
 12. The appellant emphasises that as the side boundaries are formed by walls which do not exceed 0.6m in height, pedestrians would have full visibility of any vehicular activity related to the site. However, as the land immediately beyond the side boundaries is not within the appellant's control, the retention of the current visibility cannot be guaranteed.
 13. While the appellant suggests the opening of a door to a vehicle parked on the highway would be more dangerous than parking on site, road users and

pedestrians would have visibility of a car parked on the highway. Furthermore, as the appellant acknowledges, such operations are an everyday occurrence. In contrast, the opening of a vehicle door or emergence of a vehicle from a particularly shallow and visually screened residential frontage would not be anticipated to a similar degree by pedestrians using the footway, who may be moving at speeds in excess of a walking pace.

14. The appellant also suggests the removal of a vehicle parked on the road would enable safer movements along the highway and improved visibility, especially taking into account the presence of a speed cushion outside the dwelling. However, the speed cushion indicates a problem of excessive vehicles speeds along this fairly straight section of Malvern Road and the existing on street parking effectively acts as an additional traffic calming measure. Furthermore, any improved visibility would not outweigh the pedestrian safety issues outlined above. Similarly, although the off street parking space would remove the need to place cables across the footway in order to utilise an electric car charging point on the flank of the house, swapping one hazard for another does not lend positive weight to the scheme.
15. The existence of numerous examples of off-street parking spaces in the locality is acknowledged, including the fact that some are not served by dropped kerbs. However, the full background to their provision is not clear and they do not justify the identified harm of the appeal proposal. It is also acknowledged the Council's reason for refusal referred to the development being 'prejudicial to the highway safety of all road users as well as this being detrimental to the amenity of local residents'. As discussed above, the highway safety prejudice relates to pedestrians on the footway as opposed to road users. Additionally, there would be no harm to the amenity of local residents having regard to the common understanding of this term.
16. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on highway safety. It would conflict with Policies CS16 and CS41 of the 2012 Bournemouth Local Plan: Core Strategy. The former policy requires parking provision to be in accordance with the Council's adopted parking standards while the latter seeks to ensure development contributes positively to the safety of the public realm. Furthermore, the National Planning Policy Framework specifies that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Conclusion

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

C J Ford

PLANNING DECISION OFFICER