



Appeal Decision

Site Visit made on 22 February 2021

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/P1133/D/20/3262260

Sea View, The Strand, Starcross, EX6 8PA

- 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 Miss Emma Capon against the decision of Teignbridge District Council.
 - The application Ref 20/01325/HOU, dated 29 July 2020, was refused by notice dated 24 September 2020.
 - The development proposed is the provision of a parking space in front garden and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would have an acceptable impact on highway safety.

Reasons

3. Sea View is an end of terrace property with a modest sized front garden which is enclosed by a wall. The dwelling is one of a number of properties which front the A379, The Strand. The road is one of the main routes into Starcross.
4. I noted at my site visit that some of the properties in this section of the road have retained a front garden, others use the area as a parking space, while there is some parking between the sides of properties.
5. The parking areas to the side of Sea View are not within the ownership of the appeal property and the evidence indicates that one section is owned by Denby and the other section by The Cottage. Submissions indicate that the section owned by Denby is made available for cars to be loaded and unloaded on an informal arrangement for the occupiers of Sea View and Sydney Cottages, the two dwellings to the rear.
6. The proposal is submitted on the basis that the front garden area would be used as a parking space and to assist with turning when leaving the adjoining parking area to the side of the property.
7. The appellant in the design and access statement explains that the proposed parking area would stop the current need for reversing out of the drive onto a busy A road and this is currently dangerous, as traffic tends to speed above the 30mph speed limit on this road.

8. It is further explained that the addition of the parking area would reduce the burden of over-subscribed on-street parking in Starcross. The appellant has also commented that there is a Council car park across the road, however, when crossing this road during busy times, this has proved hazardous as there is no crossing provided near the Council car park.
9. The ability to use the space alongside the property is informal and cannot be guaranteed in the future. Even if this was the case, the plans do not clearly demonstrate that there would be sufficient manoeuvring space available to reverse a standard vehicle from the side of the house into the frontage turning area, so as to then leave in a forward direction. It appears that the swept path of a vehicle would require land within the ownership of The Cottage (where a vehicle could be parked) or the footway. The result would, in all likelihood, lead to reversing movements across the footway, and potentially part of the road, and which could lead to a hazard and inconvenience to pedestrians and other road users.
10. Equally if a driver was to seek to use the proposed parking space on initial arrival as the turning area, then this would also lead to manoeuvring issues, potentially across the footway and road. This is because the plans do not satisfactorily demonstrate that there would be an adequate turning area to access the space to the side of the property. Again, this type of vehicle manoeuvre would have the likelihood to lead to a hazard to footway and road users.
11. In terms of the use of the front garden area as a parking space, the size available would not be sufficiently long to provide a parallel parking space to a typical standard. To avoid excessive manoeuvring to access the space, it would appear to be necessary to drive over the adjoining access which is not within the ownership of Sea View, cannot be required to be kept available by planning condition and where potentially a vehicle could already be parked. Consequently, it is likely that for most vehicles it would be necessary for the driver to undertake manoeuvring within the road and across the footway to be able to park within the space. This would be likely to impede the free flow of traffic, thereby leading to a highway hazard and inconvenience pedestrians.
12. The County Highway Authority has explained that the A379 is a reasonably heavily trafficked Principal Traffic Route and that there have been 4 collisions classed as "slight" reported to/by the police in the vicinity of the site between 1 January 2015 and 31 December 2018. The Highway Authority has examined the proposal and advised that the formation of an access onto a Principal Traffic Route would need to be able to show all vehicles can enter and leave the site using a forward gear and, therefore, there needs to be turning space within the site to allow for this. As the plans, within the application site area, do not provide for a turning area, the Highway Authority consider the result would require a complex parallel parking manoeuvre across the footway to enter or leave the space and that this would be prejudicial to highway and pedestrian safety. These concerns accord with my own assessment and I give substantial weight to the objections to the development from the County Highway Authority.
13. I appreciate that the explanation for the proposal, that parking is difficult in the locality and there may be a hazard with reversing out from the side of the property at the present time. However, I am not satisfied that these

circumstances would justify the proposed development because of the highway hazard that I have identified.

14. I place limited weight on the presence of other parking areas in the front gardens of other properties along this section of the road. This is because the Highway Authority has commented that it is their belief, based on the evidence available, that they may be unauthorised and their presence, in any case, would not justify another parking area which would lead to the identified highway hazard.
15. In the light of the above analysis, I conclude that the proposal would lead to an unacceptable impact on highway safety and therefore conflict with Policies S1 and S2 of the adopted Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework. Accordingly, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR