
Appeal Decision

Site visit made on 22 June 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/Y3940/D/21/3270986

113 Devizes Road, Salisbury, Wiltshire SP2 7LS

- 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 Mrs Elizabeth Winder against the decision of Wiltshire Council.
 - The application Ref 20/10650/FUL, dated 28 November 2020, was refused by notice dated 18 February 2021.
 - The development proposed is described as create access and parking at front of house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development in question has already partly taken place, insofar as the front boundary of the site has been removed, and the front garden has been paved. No vehicle width dropped kerb or formal pavement crossover has however been installed, and it is unclear whether parking is taking place. My assessment below has been informed by the works undertaken to date.
3. The Highways Authority submitted statement in relation to the appeal. The appeal procedure in question however provides no scope to submit such a statement. I have not therefore taken the statement into account in assessing the scheme.

Main Issue

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

Reasons

5. The site is a terraced dwelling with frontage on Devizes Road, otherwise the A360. This is a busy arterial route into and out of the city.
6. The maximum potential useable area of parking space to the front of the dwelling would be 7.23m wide x 5.95m deep. This would be achieved in the absence of a tree which currently partly obstructs the space. A minimum of 2.4m width x 4.8m depth would generally be required for an average sized car to park, not including manoeuvring space.
7. The Council has not provided any measure against which it assesses parking and turning space. Nor has the appellant provided a tracking diagram which demonstrates that an average sized car could turn within the space.

8. It appeared to me that it would be possible to manoeuvre and turn a very compact car parked singly. Anything larger would however need to undertake multiple manoeuvres, quite likely encroaching onto the pavement in the process. Whilst such manoeuvring would be somewhat impractical, it would furthermore be made impossible were 2 vehicles to be parked. In this regard the space would clearly be sufficient for 2 vehicles to park perpendicular to the A360, and the provision of 1-2 spaces is indeed proposed. The most likely response would be for a driver to back out of and into the space.
9. A driver backing out of the space would have little visibility of oncoming traffic in the nearside lane. This would be due to the driver's position and obstructions caused by adjacent boundaries, and by the interior of the vehicle itself. Whilst representing a hazard for pedestrians, this would give rise to a risk of collision with oncoming vehicles. The risk would increase were the driver to back out across the highway to join the far side lane.
10. A driver backing into the space would have a greater field of view, but the manoeuvre would be both less simple than if driving forward into the space, and against the flow of traffic. Given that the road sees a high level of use, reversing manoeuvres could thus again give rise to collisions, particularly if undertaken abruptly. The risk in this case could extend to collisions between other vehicles forced to stop.
11. The appellant drives a small car. This does not however mean that other persons who might use the space will drive vehicles of the same size, or make manoeuvring any more practical were 2 vehicles to be parked.
12. My attention has been drawn to other properties where parking spaces have been formed both adjacent to the A360, and elsewhere. I have however been provided with no confirmation of whether these arrangements are lawful, or the extent to which they are safe. I furthermore see no reason why the existence of arrangements giving rise to risk elsewhere should justify the risk that would arise in this case.
13. Reference is made to the potential to install an electric vehicle charging point, and to easing the burden of parking, presumably on-street. Each would provide public benefits. However, in the absence of evidence to the contrary, these benefits would not outweigh the risks to public safety identified above.
14. For the reasons set out above I conclude that the appellant has failed to demonstrate that use of the parking space is or can be achieved without unacceptable risks to highway safety. That being so, conflict arises with Core Policy 57 of the Wiltshire Core Strategy 2015, insofar as this seeks to ensure that the public realm is designed to create places which are safe.

Conclusion

15. The scheme is unacceptable in relation to highways safety, and conflicts with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR