



Appeal Decision

Site visit made on 20 July 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2021

Appeal Ref: APP/N1160/D/21/3273382

16 Fort Austin Avenue, Crownhill, Plymouth, Devon PL6 5JN

- 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 Cynthia Wright against the decision of Plymouth City Council.
 - 'The application Ref 21/00237/FUL, dated 1 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is described as *'Drop kerb, to enable us to park on the drive which will be created, by demolishing the front wall. Have spoken to highways, who have done an inspection and indicated this is possible with a joint crossing with number 14. And because the road is a 'C' Class road, we need planning permission'*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised in July, after the lodging of this appeal. However, as its policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

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

Reasons

4. To the front of 16 Fort Austin Avenue is a garden enclosed by a wall, beyond which is the pavement, a grass verge, and Fort Austin Avenue itself, which carries the B3413 on an approximate east-west axis. The carriageway adjacent to the site is lined by a parking bay, from which the main flow of westbound traffic is separated by chevron markings bordered by broken white lines. This area should not be entered unless it is safe and necessary to do so.
5. The proposed hardstanding, due to its size, would not allow for onsite turning, meaning that vehicles would have to either enter or exit the site in a reverse gear. The access would be located alongside the west end of the parking bay. Intervisibility between vehicles seeking to exit or enter the site and other road users would be significantly hampered by vehicles within the parking bay.
6. Whilst the chevron marked area separates the site from the westbound route, I observed that it was common for vehicles to cut across this area in front of No 16 when accessing Crownhill Village, and to do so at a fair speed around the

30mph speed limit. Given these circumstances, the proposed access would give rise to an unacceptable effect on highway safety.

7. The appellant considers the proposal safer than parking within the parking bay. However, in my view such a manoeuvre takes place within clear sight of approaching vehicles, unlike the proposed arrangement. Moreover, whilst reversing into the site may be a safer option than reversing out of it, I have no means to guarantee that users of the site would continuously opt to take the comparatively safer option. In any event, the parking bay would remain available to other residents, and therefore the existing situation would endure.
8. Accordingly, I conclude that the proposal would have an unacceptable effect on highway safety. In this regard, it would conflict with Policies DEV1, DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted 2019) and the Framework.

Conclusion

9. The effect of the proposal on highway safety brings it into conflict with the development plan when read as a whole. There are no other considerations which outweigh this conflict.
10. Consequently, for the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed,

Matthew Jones

INSPECTOR