



Appeal Decision

Site Visit made on 10 August 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/R1845/D/21/3273190

82 Bewdley Road, Stourport on Severn DY13 8XH

- 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 Lesley Rogers against Wyre Forest District Council.
 - The application Ref 20/0939/HOU, is dated 18 November 2020.
 - The development proposed is described on the application form as *'drop the kerb by 7 kerb stones to enable us to drive in forwards when we arrive from the Bewdley direction, rather than backing in, or arcing across via the other side of the road. Planning requested as the road is the B4195.'*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description in the heading above, the proposal was revised prior to determination by the Council. It is more accurately described on the appellant's appeal form and the Council's decision notice as 'extension of existing dropped kerb by 5 extra dropped kerbs plus 1 rising kerbstone'. I have determined the appeal on this basis.

Main Issue

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

Reasons

4. Rather than being perpendicular to the road, the appellant's driveway is at an angle that requires a sharp left turn when accessing the house from the Bewdley direction. At the time of my weekday, midday visit, there was a relatively steady flow of traffic on the road, including cars, HGVs and a tractor, consistent with its role connecting Bewdley and Stourport on Severn. The carriageway includes marked cycle lanes, adjacent to the pavement.
5. Along the driveway frontage, the pavement edge comprises a section of dropped kerbs and a rising kerbstone, which leads into a length of raised kerbs. The rising kerbstone is located approximately centrally along the driveway frontage. As such, it was apparent that entering the driveway from the Bewdley direction would require drivers to mount the raised kerb.
6. Taking a perpendicular line from the kerb to the drive edge, the proposal would result in dropped kerbs extending approximately two kerb widths beyond the extent of the drive entrance. As a consequence, on entering the drive from

Bewdley, there would be a temptation to cut across the pavement at a more oblique angle, and potentially at a higher speed, than if the dropped kerb section was narrower in width, more closely aligned to the width of the driveway at its entrance. The proposal would thus prioritise ease of access for vehicles over the safety of pedestrians using the pavement there. Similarly, vehicles exiting the drive towards Bewdley would be more likely to cut across the pavement at an oblique angle, rather than at 90 degrees where visibility in both directions would be greatest. The absence of harm from the proposal on neighbouring occupants is a neutral consideration which does not weigh in favour of the appeal.

7. The appellant acknowledges the option remains to carefully mount the kerb in a forward direction, without any adjustments being made. Whilst this approach might require vehicles immediately behind to slow, I do not consider this would unacceptably harm traffic flow. I noted other drives along this stretch of road where vehicles either reversed into or out of their drives, and therefore slowing of vehicles to enable others to access or egress driveways is not unusual here.
8. The appellant also advises that they sometimes choose to reverse into the drive (when an absence of on-street parked cars allows, and appreciating that derisory comments from passing drivers would be objectionable). Alternatively, they safely turn their vehicle around elsewhere, in order to approach from the Stourport direction. Therefore, whilst the current kerb alignment results in somewhat inconvenient access arrangements for the appellant, options to safely access and egress the driveway remain, without undue harm to highway safety. Moreover, no substantive evidence is before me to justify the extent of the dropped kerbs proposed, or to robustly demonstrate that a lower number would not sufficiently improve ease of access.
9. In light of the potential conflict between vehicles entering the site and pedestrians, as well as the potential for vehicles to exit the site in a position that compromises their visibility of other road users, I conclude that the proposal would unacceptably harm highway safety. It would therefore conflict with Policy SAL.CC1 of the Wyre Forest District Site Allocations and Policies Local Plan (2013) which seeks to avoid proposals that would reduce highway safety, and ensure adequate visibility is maintained for vehicles turning into and out of sites. It would similarly conflict with paragraph 111 of the National Planning Policy Framework which advises that development should be prevented where it would lead to an unacceptable impact on highway safety. It further conflicts with paragraph 112 of the Framework which requires that developments should give priority first to pedestrian movements.

Conclusion

10. For the above reasons, the appeal is dismissed.

Rachel Hall

INSPECTOR