The Planning Inspectorate

Appeal Decision

Site Visit made on 14 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/N2345/D/21/3275401
273 & 275 Deepdale Road, Preston PR1 6LL

- 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 Zulekha Saleh against the decision of Preston City Council.
- The application Ref 06/2020/1274, dated 12 November 2020, was refused by notice dated 14 January 2021.
- The development proposed is construction of new vehicular access.

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.

3. From the evidence before me, the proposal involves the removing of the front boundary wall and railings of both properties and a dropped kerb along the highway for the creation of a vehicular access onto Deepdale Road. Therefore, I have used the description of the development proposed as stated in the Council's decision notice in the banner heading above as this is more precise.

4. There are discrepancies relating to the site address as set out within the application form and section D of the appeal form. The proposal site address relates to two properties. I have therefore, taken the site address to be No's 273 & 275 Deepdale Road.

Main Issue

5. The main issue is the effect of the proposed development on highway safety of pedestrians and all road users on Deepdale Road.

Reasons

6. The appeal site relates to two mid-terrace dwellings on the west side of Deepdale Road (A6063). The dwellings are set back from the roadway by a pavement and have an enclosed front paved garden area with railings. The properties in the row are a mix of both commercial and residential. Deepdale road is a heavily trafficked road, with the appeal site in close proximity to the traffic light junction with St Georges Road, and south of the crossroad junction with St Stephens Road.

7. Existing on-street parking is sporadically available along both the east and west sides of Deepdale Road, but this is enforced and restricted by a Traffic Regulation Order (TRO). Directly to the frontage of the appeal properties and wider terrace forms part of the provision for on-street parking included in the TRO. This restricts parking Monday – Saturday, 8am – 8pm for 1 hour and no return within 2 hours, with a separate marked bay for loading to the north.

8. Although, the proposal would not require the amount of manoeuvring of reversing that was part of a previous refused planning application and was the subject of a dismissed appeal[1]. The proposed parking arrangement would result in a vehicle being parked parallel (north south direction) across the front of the properties and would still require a considerable number of manoeuvres to egress on-to and from the road. Such manoeuvres are likely to affect the flow of traffic on Deepdale Road, impact on pedestrians using the pavement and impair visibility of other road users, which would not be in the best interests of highway safety.

9. Furthermore, there would be a lack of suitable visibility for those manoeuvres to be exercised in a safe manner from within the space onto Deepdale Road. This would be hindered by the existing on-street parking along the terraced row. In particular, given nearby local services and the commercial nature of adjoining properties, these may necessarily not be cars and views of oncoming vehicles would likely be restricted or even completely blocked. Moreover, the proposal would result in the removal of at least two on-street parking spaces with the replacement of one off-street provision in an area that spaces are in high demand, of which I observed at the time of the site visit and have no evidence to the contrary.

10. The Council have concerns over the future number of vehicles being parked in the parking area, and that it could be possible for the one space to become two spaces for vehicles. Leading to overhanging of vehicles on the pavement. I acknowledge that this could be likely. However, a suitably worded condition could address the parking of one vehicle only within the space. Nonetheless, this does not outweigh the harm I have found the proposal has on highway safety.

11. The appellant has referred to other parking arrangements within the vicinity of the appeal site and wider area. However, I have limited evidence of these schemes, whether they have benefited from planning permission or that they would be satisfactory in highway terms. Matters of illegal parking in the area would be for the regulatory authorities to deal with and are outside the scope of this appeal.

12. In arriving at this conclusion, I have taken into account the previous appeal decision. Whilst recognising that the proposal has changed, in regard to the provision of the space and dropped kerb now being outside both No's 273 & 275, there are many parallels. My conclusions on the main issue are consistent with that decision.

13. For the reasons given above, I conclude that the proposed development would result in an unacceptable impact on the highway safety of pedestrians and all road users on Deepdale Road. As such, the proposal would be contrary to Policy ST2 of the Preston Local Plan 2012-26 Site Allocations & Development

[1] APP/N2345/D/20/3248897

Management Policies, 2015. This policy requires all development proposals to show that: road safety and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and equestrians) is not prejudiced.

14. Moreover, the proposal would not be in accordance with paragraph 111 of the Framework. It sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

15. I have given due regard to the reasons submitted as to why the appellant has applied for planning permission for the dropped kerb and construction of a parking space. These are personal circumstances to which I attribute weight in favour of the appeal.

16. I have found that the proposal would cause significant adverse harm to highway safety for pedestrians and all road users on Deepdale Road. The safe and efficient operation of the highway is a well-founded legitimate and established planning policy aim. As such, the refusal of planning permission would be proportionate and necessary. Indeed, the protection of public interest cannot be achieved by means that are less interfering of the appellant's rights. I am also mindful that any planning permission runs with the property, therefore, the parking space and dropped kerb could be used by others, now and in the future, who do not have the same needs as the appellants close relative. These are matters which carry significant weight against allowing the appeal.

17. Consequently, the personal circumstances presented in this case, is not a matter which outweighs the significant adverse effects of the proposal in relation to highway safety.

Conclusion

18. The proposal conflicts with the development plan and the Framework, taken as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

K A Taylor

INSPECTOR