



Appeal Decision

Site visit made on 30 November 2021

by Helen Davies

an Inspector appointed by the Secretary of State

Decision date: 10th December 2021.

Appeal Ref: APP/U3935/D/21/3284156

301 Queens Drive, Swindon SN3 1AU

- 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 Mr Trevor Ball against the decision of Swindon Borough Council.
 - The application Ref S/HOU/21/0736/EMMI, dated 24 April 2021, was refused by notice dated 13 July 2021.
 - The development proposed is construction of vehicle access and dropped kerb 301 Queens Drive on to highway.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed vehicular access on the safety of pedestrians, cyclists and drivers using Queens Drive.

Reasons

3. The appeal site is a mid-terrace dwelling with a front garden which adjoins the footway and verge on the eastern side of the A4259 Queens Drive. This section of Queens Drive is a dual carriageway with a grassed central strip and a 40mph posted speed limit.
4. Given the nature of the road, vehicles reversing onto or off Queens Drive would likely cause significant risk to highway safety. Consequently, to avoid highway safety issues, vehicles would need to be able to turn within the appeal site so they could enter and exit Queens Drive in a forward gear.
5. The appellant has provided a parking track drawing, stating it demonstrates that a typical size car can be turned on site. I have no evidence before me to dispute this. However, the dimensions of the site are modest and the ability to execute the manoeuvre would depend on a number of factors, not least the size of the vehicle and its turning circle and the ability of the driver. The need for difficult manoeuvring within a limited space would likely deter some drivers from doing so. A planning condition requiring that all vehicles turn on site or specifying a maximum vehicle size would fail to meet the conditions tests set out in national Planning Practice Guidance. Therefore, this issue cannot be overcome by imposing a condition.

6. Whilst it may be possible, if not easy, for one vehicle to turn on site, the proposal is for two vehicles to park on site. I have no information before me to indicate that it would be possible for a second vehicle to turn on site whilst one vehicle was already parked. The appellant has suggested that just one parking space could be approved under the appeal. That is not what was set out in the application form and submitted drawings, so is not the proposal before me.
7. Consequently, permitting the proposed vehicle access would lead to the likelihood that vehicles would reverse onto or off Queens Drive, resulting in interruption to the flow of traffic and an increased risk to all highway users, including conflict between vehicles reversing and pedestrians and cyclists.
8. My attention has been drawn to a number of examples of other dwellings which have vehicle parking in the front garden, accessed via a drop kerb and crossover onto Queens Drive. Details of these are not before me but the Council state that the parking and access at Nos 303, 305 and 307 Queens Drive do not appear to benefit from permission. Notwithstanding this, each case must be considered on its own merits and the existence of other accesses near the appeal site does not justify an additional access which would exacerbate any existing issues.
9. I have been provided with information relating to 529 Queens Drive, where an appeal was allowed in 2018, granting permission for a new access and off road parking. The Inspector noted that it would be unacceptable for reversing movements generated by even one additional dwelling to take place onto Queens Drive. In the case of No 529, the Inspector concluded that the semi-detached dwelling would be able to accommodate 2 parking spaces as well as adequate manoeuvring space. Consequently, vehicles would not need to reverse onto or off Queens Drive. By contrast, the area available at No 301 is smaller than at No 529 and, as set out above, unable to accommodate 2 parking spaces and on-site turning.
10. It appears that the front garden of the appeal site is already used for parking, with access gained partly via a neighbouring drop kerb and partly by driving up the kerb and across the grass verge. This access and parking situation does not benefit from permission so I give it no weight.
11. The appellant has provided an outline of accident information for the area, stating that no accidents have been attributable to vehicles using dropped kerbs on Queens Drive. The information provided may well indicate that the location of incidents was not specifically at a drop kerb. Despite this, I have no evidence before me to conclude that vehicles entering or exiting parking at the front of dwellings has not contributed to highway safety issues. Consequently, I give this information little weight and it does not overcome the harm I have identified.
12. I conclude that the proposed vehicle access would result in unacceptable harm to the safety of pedestrians, cyclists and drivers using Queens Drive. Consequently, the development would not comply with Policy TR2 of the Swindon Borough Local Plan 2026 (LP). Amongst other things, Policy TR2 requires that proposals provide access that is appropriate to the scale, type and location of the development, without detriment to highway safety.

Conclusion

13. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR