

Appeal Decision

Site Visit made on 25 October 2021 by B Phillips BSc MSc MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/Q4625/D/21/3278298

9 Shepherds Green Road, Shirley, Solihull, B90 4DY

- 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 Kishan Chauhan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/00319/MINFHO, dated 29 January 2021, was refused by notice dated 29 April 2021.
 - The development proposed is an electric mains powered garage door.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have removed the word 'retrospective' from the description of development in the banner heading above since it does not describe an act of development.
4. The garage door has been installed and as such the appeal is retrospective and I have assessed it on that basis.

Background and Main Issue

5. The reasons for refusal refer to the impact of the proposal on the free flow of traffic. At my site visit, it was apparent that the proposal could also have implications for pedestrian safety. I therefore sought the views of the main parties on this matter and I have taken the responses into account in determining the appeal. In this context, the main issue in this case is the impact of the development on the safety of all highway users.

Reasons for the Recommendation

6. The appeal site is a newly constructed three storey semi-detached town house, located on a road which serves a substantial and partly completed residential development. The property sits as part of a terrace of 10 similar dwellings facing this part of Shepherds Green Road, with an integral car port on the ground floor.

7. Due to the restricted length of the driveway in front of the car port, the required two off-street parking spaces serving each of these properties is dependent on one car parking fully inside the car port and one partly inside and partly outside on the driveway.
8. The garage door, when shut, obstructs the second parking space. Given the limited length of the driveway, a vehicle waiting to access the car port space will overhang the pavement for a period of time, whilst the door is opened. Longer vehicles such as an estate car will also be likely to overhang partly into the carriageway.
9. Whilst the frequency of vehicle movements associated with one dwelling is likely to be limited, the wait would be inconvenient for and detrimental to the safety of pedestrians using the pavement, particularly for those with mobility or sight difficulties. Pedestrians may seek to move around the obstruction via the carriageway which would be likely to conflict with other vehicular and cycle movements, leading to situations that would be detrimental to the safety of all users. Vehicles overhanging the carriageway would also be likely to result in similar conflict with vehicles and cyclists moving along Shepherds Green Road which would lead to situations detrimental to their safety.
10. Whilst the appellant indicates that the door can be opened remotely, this cannot be guaranteed in every instance, for example when there are visitors to the property.
11. In situations where the garage door is shut, the loss of an off-street parking space would be likely to lead to an additional vehicle parking on Shepherds Green Road in front of the appeal property. Whilst vehicular movements were limited at the time of my site visit, this situation is likely to change as the wider development progresses. The appellant sets out that some vehicles park on the road, irrespective of the garage doors. The garage door is however likely to increase instances of on-street parking. Vehicles that do park on-street would obstruct the free flow of vehicles and cyclists travelling along Shepherds Green Road, leading to the potential for conflicting movements with vehicles travelling in the opposite direction, which would be detrimental to the safety of highway users.
12. The appellant sets out that as a single occupant with one car there is no need to park on the street, however there is no guarantee that the current or future occupiers would not require the policy compliant number of off-street parking spaces.
13. I conclude, therefore, that the proposal results in material harm to the safety of highway users, including pedestrians and vulnerable highway users. For the reasons outlined above, the proposal conflicts with the highway safety objectives of Policy P8 of the Solihull Local Plan (2013).

Other Matters

14. I acknowledge that the garage door would improve security, in addition to having some insulating properties, thereby reducing the carbon footprint of the property. The appellant also sets out that the garage door improves the appearance of the property and surroundings and is quiet and non-obtrusive in its operation. However, it would do so in a manner that would be harmful to

the safety of highway users, in conflict with the development plan. These matters do not provide justification for harmful development.

15. Similarly, the lack of information around the restrictions on installing a door in the car port when purchasing the property and any financial implications of this decision are private matters and not a matter which I can consider as part of this appeal.
16. I acknowledge that the planning application did not receive any objections from the occupiers of neighbouring properties. However, this is a neutral factor which does not alter my conclusions on the main issue.

Conclusion and Recommendation

17. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR