

Appeal Decision

Site visit made on 30 November 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/Y3940/W/21/3277376

9 Herd Street, Marlborough, SN8 1DF

- 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 Howard Wilkinson against the decision of Wiltshire Council.
 - The application Ref 21/01008/FUL, dated 26 January 2021, was refused by notice dated 14 April 2021.
 - The development proposed is described as "Parking provision for electric vehicle to the front."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions and I have taken these into account in reaching my decision. I have considered the appeal on the basis of the revised Framework.

Main Issue

3. The main issue is the effect on highway safety, with particular regard to the safety of pedestrians.

Reasons

4. The appeal scheme proposes the creation of a parking space behind an existing area of pavement and includes the introduction of a dropped kerb along the highway. The submitted details show that the area of the footway at the location of the proposed parking space is approximately 1 metre wide, and there are kerb stones and cobbles which restrict this width. The cobbled area to the front of the dwelling which it is proposed will accommodate the parking space, is shown to be approximately 2.3 metres wide.
5. I am mindful that the width of this space falls below the minimum width of a parking space required by the Council, being 2.4 metres. Furthermore, while the submitted details show a small, electric car comfortably accommodated within this space, there is nothing to prevent larger vehicles from being parked at this location. As such, I find it likely that the parking of vehicles to the frontage of the property would further restrict the width of the available footway.

6. Given that the footway is already restricted in its width, its further diminution would hinder the passage of pedestrian traffic, particularly for vulnerable users of the footway. The parking of a vehicle would potentially result in pedestrians, such as wheelchair and pushchair users, having to move towards the road and passing traffic in order to try and pass. Given the drop in level between the footway and the road, I consider this to be an unsatisfactory situation.
7. I note the appellants comments that there is a footway on the opposite side of the road which pedestrians could use. However, there is a substantial drop from the footway down to road level which would be difficult for vulnerable users to negotiate. Furthermore, there are steps within the footway on the opposite side. For these reasons, I am not convinced by the argument that users could simply use the other footway. Notwithstanding the appellants comments, there is no substantive evidence to show that the footway experiences little usage.
8. There are other vehicular access points located within the vicinity which necessitate traffic passing over the footway. However, their alignment and positioning are sufficiently different that they are not comparable to the appeal scheme.
9. I fully acknowledge that the construction of the parking space is to facilitate the provision of electric car charging facilities and the benefits of this, particularly in light of the future increases in electric car ownership. The benefits are not however sufficient to outweigh the concerns that I have identified above.
10. Accordingly, I find that the proposal would result in harm to highway safety, with particular regard to the safety of pedestrians. Thus, it conflicts with policies 57, 60, 61 and 64 of the Wiltshire Core Strategy (adopted 2015), insofar as they seek to ensure the safe movement of people, that the needs of all transport users are considered, and that appropriate parking is provided. The scheme would also conflict with the highway safety aims of the Framework.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR