



Appeal Decision

Site visit made on 4 January 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/P2365/D/21/3280457

192 Mossy Lea Road, Wroughtington WN6 9RD

- 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 Paul Chadwick against the decision of West Lancashire Borough Council.
 - The application Ref 2021/0160/FUL, dated 7 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is described on the application form as an 'extended dropped kerb and provision of area for parking'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There are inconsistencies in the appellant's evidence in regard to what constitutes the appeal site. The red line boundaries differ on the location and site layout plans. Between these plans and the annotated photograph however, there is sufficient information for me to be able to identify the proposed development and its location and reach a view as to its merits.

Main Issue

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

Reasons

4. The proposed development concerns an area of grass verge between the footway and the boundary of No 192 Mossy Lea Road. There is an existing drop kerb providing access to the curtilage of No 192 which the appeal scheme would extend to give access to the verge. The existing footway is between the verge and the vehicular carriageway. Its narrowness means that the verge serves a useful purpose for pedestrians, some with either pushchairs or wheelchairs, to avoid each other when travelling in the opposite direction. Should the existing drop kerb be extended and part of the verge be turned into a car parking area, any avoidance would have to take place in the vehicular carriageway which would be dangerous for pedestrians.
5. The evidence and my observations on site suggest that the verge is already used for car parking. Be this as it may, this appears to be an informal arrangement to which the Highways Authority currently object. Granting a planning permission to formalise this situation and actively encourage parking on the verge would mean the placing of an effective obstacle in the highway

which could cause danger to pedestrian users in the manner I have set out above. I am not therefore led to allowing the appeal for this reason.

6. The harm that the proposed development would cause to highway safety with specific regard to pedestrian users would lead to conflict with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document (Local Plan), which seeks, amongst other matters, for development to prioritise the convenience of pedestrians over car users where appropriate. It would also be contrary to paragraph 112 of the National Planning Policy Framework, which seeks, amongst other matters, to give priority first to pedestrians.
7. Reference has been made by the Council to Local Plan Policy IF2, but this is not directly relevant to this appeal proposal as it relates to transport infrastructure, parking standards and electric vehicle charging points.

Other Matters

8. There are wider vehicular crossovers in the area. I was able to see some of these at the time of my visit, but I have limited information on their circumstances and when and if these were granted planning permission. Reference has been made to a number of applications which have been granted permission by the Council. Although one of these may have included the change of use of a grassed area, I cannot be certain that it related to an area of highway verge. As such, I am only able to afford limited weight to these matters.
9. I note the reference to the Highway Authority's website encouraging vehicles to be parked off the road. This proposal would however facilitate parking on part of the highway, which has not been contested by the appellant.
10. The appellant's car appears from the evidence to have been damaged twice by passing vehicles. I also accept that there would be some benefit in preventing disruption to traffic flow along Mossy Lea Road and to neighbouring occupiers opposite when reversing their vehicles should cars be parked in the highway. The dwelling at No. 192 currently has an off road parking area within its curtilage and I have not been provided with any information on why this does not provide adequate parking provision. The existing parking area could also accommodate an electric vehicle charging point. In any event, these matters would not outweigh the harm I have identified to pedestrian safety.
11. The appellant has set out the difficulties in communication during the course of the application whilst it was being considered by the Council, and submitted this application themselves. I also note that no objections were received from neighbours. I have however dealt with the appeal on its own merits and these matters do not overcome the harm that I have identified in relation to the main issue.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR