The Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2022

by Sarah Housden BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2022

Appeal Ref: APP/E2001/D/21/3288650
19 Church Road, Stamford Bridge, York, YO41 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 Nigel Higgs against the decision of East Riding of Yorkshire Council.
- The application Ref 21/03416/PLF, dated 9 September 2021, was refused by notice dated 4 November 2021.
- The development proposed is 'dropped kerb and front driveway'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the safety of highway users on Church Road.

Reasons

3. Church Road is a classified road which runs to the south of Stamford Bridge, off the A166. The dwellings on either side of the road are interspersed with commercial premises and a number of community facilities, including Stamford Bridge primary school. It is therefore a busy road and is also a bus route. It has a 30mph speed limit, reducing to 20mph in the vicinity of the school which is on the same side of the road as the appeal dwelling, approximately 150 metres to the north-east.

4. The appeal property is a semi-detached, single storey dwelling which is set back from Church Road with its front garden laid to lawn. The hedge on the road frontage is approximately 1.5 metres high. The paved pedestrian footway within the front garden is shared with No 21 Church Road. Part of the frontage hedge would be removed and a dropped kerb would be installed to form a vehicular access, together with a driveway parking area approximately 3 metres by 6.6 metres to the front of the property.

5. The dimensions of the driveway would enable a vehicle to park well clear of the adjoining pavement and the movement of pedestrians would not be obstructed. However, there would be insufficient space for vehicles to enter and leave in a forward gear, making it likely that vehicles would be reversed either into or out of the driveway space. Whilst the appellant indicates that a turning area could be achieved within the front garden, that is not shown on the submitted plan and does not form part of the appeal scheme before me which I must determine based on the submitted evidence.

6. Visibility at the junction of the proposed driveway with Church Road would not meet the standard for a 30mph road set out in the Manual for Streets[1]. However, that document states that in considering whether the absence of wide visibility splays at private driveways will be appropriate, the frequency of vehicle movements, the amount of pedestrian activity and the width of the footway should be taken into account.

7. At the time of my site visit on a weekday during mid-afternoon, just before school collection time, there were regular pedestrian and vehicle movements along Church Road in front of the appeal property. The carriageway is wide enough to enable one vehicle to pass in front of any parked cars. However, it is necessary for drivers travelling in the opposite direction to stop behind the parked cars to give way to oncoming traffic.

8. The stopping of vehicles within the carriageway to reverse into the appeal site would be likely to conflict with the movement of vehicles and cycles along Church Road, leading to situations which would be hazardous to the safety of those highway users. Reversing movements out of the driveway would also be likely to conflict with the movement of vehicles and cyclists on Church Road.

9. On street parking outside the appeal property is unrestricted and at the time of my site visit there were eight vehicles parked between Nos 17 and 27 Church Road. Whilst levels of parking could change throughout the day, even a more limited number of parked vehicles would be likely to restrict the visibility of oncoming vehicles and cycles in both directions when exiting the appeal site in either a forward or a reverse gear. Reversing into the site between parked cars would be particularly hazardous. This would exacerbate the risk of conflicts and collisions occurring.

10. Due to the restricted height of the frontage hedge, pedestrians would be sufficiently visible to enable drivers emerging from the access in a forward gear to stop within a safe distance to give way to them. Small children would, however, be less visible. In situations where drivers seek to reverse into the driveway, parked cars would obscure pedestrians on the pavement which would be likely to lead to hazardous situations which would be detrimental to their safety.

11. Although there are other dropped kerb accesses along Church Road, some have sufficient turning space to enable vehicles to enter and leave in a forward gear including Nos 16, 18, 20, 20a and 22 Church Road opposite the appeal site. The layouts of those accesses are therefore different from the scheme before me. In any case, my determination of the appeal must be based on the specific circumstances of the site and the details of the appeal proposal.

12. For the reasons outlined above, I conclude that the proposal would result in unacceptable harm to the safety of drivers and cyclists on the highway and pedestrians using the pavement. In coming to this view, I have taken into account that the Highway Authority has objected to the proposal. There would be conflict with Policy ENV 1 of the East Riding Local Plan Strategy Document (2016) which promotes equality of safe access, movement and use.

13. I have given full consideration to the appellant's personal circumstances and the difficulties with parking outside the property as outlined in the letter to

[1] Manual for Streets Department for Transport 2007

Stamford Bridge Parish Council dated 21 November 2021. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act (2010), which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Equality Act defines disability as one such characteristic.

14. A parking space within the curtilage of the dwelling would clearly be beneficial to guarantee a space would be available in close proximity to the dwelling. The negative impact of dismissing the appeal on the appellant arises because it will be inconvenient and more difficult for him to get to the dwelling, particularly if there are no on-street parking spaces available immediately outside his house.

15. However, having due regard to this, and to the need to eliminate discrimination, in my view the adverse impacts of dismissing the scheme on the appellant's protected characteristics would be proportionate, having regard to the legitimate and well-established planning policy aims to protect the safety of all highway users. Taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm I have identified and the conflict with the development plan in that regard.

16. For the reasons outlined above and having had regard to all other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR