



Appeal Decision

Site visit made on 21 February 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/M2372/D/21/3285012

235 Whalley New Road, Blackburn, BB1 9TJ

- 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 Ms Shirley Mack against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/0399, dated 12 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is to provide a residential vehicle access crossings - dropped kerb, allowing the Applicant to access and park their vehicle off road in their front garden.
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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.

Main Issues

3. The main issues are the effect of the proposal on (i) highway safety and (ii) the character and appearance of the area.

Reasons for the Recommendation

Highway safety

4. The appeal property is an end of terrace dwelling, set back from Whalley New Road, which is a primary route. To the south is a retail unit with a parking area occupying the corner of the junction between Whalley New Road and St James's Road, which is served by a mini roundabout. There is unrestricted on street parking and a number of off-street parking areas serving dwellings and commercial units in the vicinity of the appeal site.
5. The constraints of the site dictate that there would be insufficient space for vehicles to enter and leave the proposed parking space in a forward gear. I acknowledge that there are already a number of similarly constrained parking spaces in this vicinity and that the drivers of vehicles looking to enter or exit the site would be afforded visibility over and beyond these spaces if open.
6. Nonetheless, the roundabout is close, and I observed that vehicles can appear quite suddenly turning towards the site from St James's Road. In the other direction, a vehicle parked at the roadside immediately adjacent would pose a possible constraint when trying to manoeuvre in or out and would also

significantly inhibit the visibility of oncoming vehicles. Whilst some vehicles may be traveling slowly in search of a parking space, Whalley New Road is a busy thoroughfare, with traffic speeds I saw representative of such.

7. The commercial nature of the area also suggests that pedestrian movements are frequent. Whilst I accept that pedestrians would be aware of the possibility for vehicles to pull out, the scheme would create an extended, near continuous run of access points and therefore add to the already prolonged potential for interaction between reversing vehicles and those on foot. For these reasons, the proposal would significantly heighten the potential for conflict in my view.
8. I therefore conclude on this issue that the proposal would have an unacceptable effect on highway safety contrary to Policy 10 of the Blackburn with Darwin Local Plan Part 2 (2015) (Local Plan) insofar as it seeks to ensure that development does not prejudice the safe movement of road users. It would also conflict in this regard with the National Planning Policy Framework.

Character and appearance

9. New Whalley Road is long and, in some areas, the integrity of its boundary walls and garden frontages remains intact. However, the area within the immediate vicinity of the site is characterised by multiple off-road parking areas. The removal of the low wall and creation of the parking space would do little to alter this established situation.
10. Consequently, I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policy 11 of the Local Plan.

Other Matters

11. I accept that whilst the proposal would reduce the availability of on street parking spaces, it would equally provide an off-street parking space for the occupier of No 235 removing the need for them to park on the road. It is unlikely therefore to increase the concentration of traffic in the area. The appellant's desire to install an electric charging point is also noted but does not outweigh the harm I have found to highway safety.

Conclusion and Recommendation

12. The proposed development conflicts with the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Matthew Jones

INSPECTOR