



Appeal Decision

Site visit made on 12 April 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/T3725/W/21/3282879

6 Lower Ladyes Hills, Kenilworth, CV8 2GN

- 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 N Robins against the decision of Warwick District Council.
 - The application Ref W/20/1975, dated 27 November 2020, was refused by notice dated 24 June 2021.
 - The development proposed is described as 'Retrospective planning permission for a driveway already part done'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the proposal is described as partly retrospective, at the time of my site visit, I saw that the development of the driveway was complete. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the development upon highway and pedestrian safety.

Reasons

4. Lower Ladyes Hills is a relatively narrow road with housing on one side and what the Council describe as Victorian allotment gardens on the opposite side, which slope down to Manor Road. No 6 is part of a terrace of houses with relatively shallow front curtilages set behind the pavement. Car parking is generally on the street in front of the houses. The appeal site is a strip of allotment garden across the road from No 6 and adjacent to a narrow footpath that links Lower Ladyes Hills to Manor Road. It is part lawn with steps down to a gravel driveway which extends to the footway on Manor Road, providing one, off road, parking space. According to the appellant, vehicles reverse from Manor Road into the space and drive out in forward gear and no problems have arisen since the driveway has been in use.
5. The appeal site is close to the junction with Tainters Hill and on a slight bend in the road. There is a section of narrow footway running from the junction which crosses in front of the site and continues along Manor Road. The allotment gardens between the appeal site and Tainters Hill extend down to the edge of the footway on Manor Road where they are bordered by fences, high hedges,

and some trees. These hedges and trees, combined with the angle of Manor Road, prevent views of the driveway when turning left from Tainters Hill onto Manor Road. Consequently, vehicles reversing into, or driving out of, the driveway are only visible to a driver whilst making the turn or pulling out substantially forward of the junction. Also, vegetation blocks the view from the driveway looking right towards the junction. To see oncoming traffic, vehicles leaving the site must cross the pedestrian footway and nose out partially into the road.

6. The appellant suggests that bends in the road, nearby junctions, and narrow sections of road mean that traffic approaching the site is likely to be travelling at speeds below the 30 mile per hour speed limit. Nonetheless, even at relatively low speeds, poor visibility for vehicles leaving the driveway and turning towards it from the nearby junction, and resultant need to pull out into the highway to see on-coming traffic, would lead to conflict between vehicles and pedestrians harming highway and pedestrian safety. The development therefore conflicts with Policy TR1 of the Warwick District Local Plan (2017) which only permits development that provides safe and suitable access.

Other Matters

7. The appellant has referred to other driveways approved by the Council which in his opinion have poor visibility, and issues raised at the meeting at which the application was determined, including whether a traffic survey had been carried out by the Council. However, I have come to my own view regarding the development based on the evidence before me and rather than relying on the approach the Council may have taken elsewhere.
8. The appellant's intention to install an electric charging point to facilitate the purchase of an electric car would have environmental benefits. However, such benefits would not outweigh the harm to highway and pedestrian safety that I have identified.

Conclusion

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

P D Sedgwick

INSPECTOR