

Appeal Decision

Site visit made on 13 April 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/M3455/D/22/3291248

253 Hanley Road, Sneyd Green, Stoke-on-Trent, ST1 6DD

- 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 Steve Birch against the decision of Stoke-on-Trent City Council.
 - The application Ref 66687, dated 8 May 2021, was refused by notice dated 5 November 2021.
 - The development proposed is described as *'On the boundary of the property facing onto Hanley Road we would like to remove part of the front hedge to make an entrance for a car. Then create a drive on the front garden and dropping the kerb onto the pavement. The drive will take up most of the front garden allowing space to turn vehicle around. The drive will be made from concrete which will drain into the boundary hedges and bushes. We will also add trench drainage at the house for added protection which will drain into the current down pipe drainage'*.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a 2.75m wide vehicular access at 253 Hanley Road, Sneyd Green, Stoke-on-Trent, ST1 6DD in accordance with the terms of the application, Ref 66687, dated 8 May 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and drawing Sheet 1 of 1 dated 26.08.17.

Procedural Matter

2. My formal decision uses the description for the proposal that was given by the Council on the decision notice. This is accurate but more succinct than the description that was used on the application form.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal property is a semi-detached dwelling that occupies a corner location at the point where Unity Avenue joins Hanley Road, a classified urban road that carries a high volume of traffic. The property has a tall hedge to part of the front boundary and which returns along Unity Avenue. The remaining part of the front boundary has a lower hedge up to the boundary with the attached neighbour at No 251, with a pedestrian gate and access positioned centrally. The proposal would remove the lower hedge adjacent to No 251 to create an opening for cars to be able to access and park on the property's frontage, which it is proposed to be hard surfaced with concrete. A short stretch of low wall and pillars would be constructed to the side of the new access and up to the gate, which would retain its current position.
5. Hanley Road at this point is straight and residential in character, with dwellings lining both sides of the road and with regular T-junctions at intervals leading to further residential neighbourhoods. There are double yellow line markings to each side of the road along this stretch and at the time of my visit, during a weekday afternoon, there was no evidence of any on-street parking and neither is there any evidence to suggest that on-street parking is an issue at any other time. I saw that the significant majority of dwellings had formal vehicular access to Hanley Road leading to frontage parking areas of various sizes and finishes. There were countless examples where it was clear to see that cars were parked off-street with limited or no capability to turn thereby necessitating either access from, or egress to, Hanley Road in reverse gear. This arrangement was evident to me as being a dominant part of the highway layout and operation. The pavements to both sides of the road are wide and vehicles emerging from the many points of access would, in my assessment, be commonplace and obvious to pedestrians and drivers alike along Hanley Road.
6. Although the appeal property occupies a corner location, there is no evidence before me to suggest that the new access would be unacceptably close to Unity Avenue. The Council has provided no indication of what would normally represent an acceptable distance of separation. Indeed, I saw other examples nearby of similar arrangements to corner plots, including No 206 at the junction with Moxley Avenue where the separation distance between the access to the property's frontage parking and the adjacent road junction was considerably less than the appeal proposal.
7. There is a right turn lane in front of No 253 which positions vehicles in the centre of Hanley Road to turn into Oxford Avenue, a short residential cul-de-sac directly opposite the appeal site. However, any vehicle occupying the space to make this manoeuvre would be stationary and clearly evident to any driver exiting the appeal site. In addition, this is also a situation that already exists in other instances along Hanley Road, including those nearby and opposite a similar right turn lane into Richmond Avenue.
8. The proposal at No 253 would merely replicate what already exists multiple times within the vicinity of the appeal site. The Council has provided no evidence to demonstrate that the existing arrangements along Hanley Road create hazards to road users or pedestrians. The proposed access to No 253 would add to the existing mix but I am not persuaded that it would function any differently to multiple other comparable arrangements, or that it would tip

the balance by contributing to an unacceptable number where the cumulative impact would be harmful. As such, I can find no conflict with Policy CSP1 – *Design Quality* of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 insofar as it relates to safety, or with the National Planning Policy Framework as it requires safe and suitable access for all users.

Conditions

9. In addition to the standard time limit condition a condition specifying the relevant plans is necessary as this provides certainty. The Council has suggested a condition that would require the proposed parking spaces identified on the plans to be hard surfaced in a suitable porous material. However, the land levels fall away from the site's boundary with Hanley Road and I have been provided with no evidence to suggest that the proposal would result in any potential for flooding or that it would have any other impact upon the highway. Based on the information I have I consider such a condition to be unnecessary. No other conditions have been suggested by the Council as necessary in the event of the appeal succeeding.

Conclusion

10. For the reasons given, I conclude that there would be no harm to highway safety. Accordingly, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR