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## Appeal Decision

Site visit made on 17 May 2022 by N Unwin BSc (Hons) MSc

**Decision by J Hunter BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 June 2022**

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**Appeal Ref: APP/F2360/D/22/3293756**

**91 Leyland Road, Penwortham, Preston PR1 9QJ**

- 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 Melanie Wain against the decision of South Ribble Borough Council.
  - The application, ref. 07/2020/00897/HOH, dated 26 October 2020, was refused by notice dated 7 December 2021.
  - The development proposed is described as 'Formation of vehicular access'.
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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.

### Preliminary Matters

3. The description of development used within the banner heading above has been taken from the decision notice as it is considered to be more concise than that of the original application form.

### Main Issue

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

### Reasons for the Recommendation

5. The appeal property is mid-terrace with a modest sized garden fronting onto Leyland Road. Leyland Road is busy in nature with parking restrictions along sections of the road. Whilst I recognise that my site visit represents a snapshot in time, my observations broadly reflect those described by the Council. At the time of my site visit there was no front boundary treatment between the appeal site and the highway except for a gatepost. The majority of dwellings comprising the terrace have a similar relationship with Leyland Road, with a pedestrian but no vehicular access.
6. The proposal is to install a dropped kerb measuring approximately 5.3 metres in width at the boundary of the appeal site with Leyland Road to facilitate off street parking. Within the correspondence between the appellant and the

Highways Authority, the appellant states their intention to remove the existing gatepost to maximise access to the proposed parking area.

7. Due to the width and depth of the proposed parking area, to avoid restricting access to the front of the property, the average modern vehicle would likely have to be parked at an angle to Leyland Road resulting in an overhang onto the public footway creating an obstruction. Given the busy nature of this section of Leyland Road, any obstruction of the public footway would conceivably force pedestrians into the path of oncoming vehicles resulting in an unacceptable impact on highway safety.
8. The appellant has referenced an informal agreement with a neighbouring property to remove the boundary fence and allow a vehicle to encroach over the boundary during parking manoeuvres. However, this would rely on land outside of the appellant's control with no indication that this arrangement has been legally secured. Furthermore, such an arrangement is not considered to overcome the issue of the average modern vehicle either overhanging the footway or restricting access to the appeal property.
9. I note that within the correspondence between the appellant and the Highway Authority, the appellant states that the current occupier can park their vehicle within the appeal site without the need to encroach onto the pavement nor obstruct the entrance to the appeal property. Whilst I have no reason to question the appellant, this would rely on existing and future occupiers to have a similar sized vehicle so as to prevent any obstruction of the public footway. As planning permission runs with the land this could not be secured in perpetuity. Furthermore, this could not be effectively secured via a planning condition as it would be neither reasonable, nor enforceable.
10. I therefore conclude that the proposal would have an unacceptable impact on highway safety as encroachment into the public footway would force pedestrians into the road and therefore the path of vehicles. In this regard, the proposal would conflict with Policy B1 of the South Ribble Borough Council Local Plan (2015) which broadly requires new developments to, amongst other things, provide acceptable access and parking.

### **Other Matters**

11. The appellant submits that there are a number of similar parking and access arrangements to that proposed along Leyland Road. Indeed, during my site visit I observed other properties along Leyland Road with parking areas and vehicular accesses adjoining the highway with vehicles overhanging the public footway. However, I have not been made aware of the full circumstances of these and it is unclear whether the works benefit from planning permission. In any event, the presence of similar parking arrangements in the vicinity does not outweigh the harm I have identified in relation to highway safety.
12. I acknowledge that it is the appellant's intention to move to an electric vehicle and would therefore require off street parking to facilitate charging due to the absence of on street parking. Nevertheless, I do not consider these personal circumstances to outweigh the unacceptable impact on highway safety.

### **Conclusion and Recommendation**

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*N Unwin*

APPEAL PLANNING OFFICER

**Inspector's Decision**

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

*J Hunter*

INSPECTOR