



Appeal Decision

Site visit made on 4 July 2022

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 20th July 2022

Appeal Ref: APP/V1260/D/22/3293533

133 Malvern Road, Bournemouth BH9 3BP

- 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 Mrs Price against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2021-28377, dated 12 November 2021, was refused by notice dated 27 January 2022.
 - The development proposed is *"drop kerb, consisting of one left-hand taper, one right-hand taper, and 4 x low kerbs"*.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal form states that the appeal is made by Mr A Hart of Asphalt and Macadam Limited. It has subsequently been confirmed that Mr Hart is acting on behalf of the original applicant, Mrs Price, and the appeal is therefore now proceeding in the name of Mrs Price.

Reasons for decision

3. I saw on my visit that Malvern Road is a well-used, 'C-Class' local distributor road, serving the residential suburb of Moordown. The appeal property, No 133, is a detached house, set quite close to the footway, behind a shallow, paved forecourt.
4. The proposed dropped kerb would be positioned to the southern end of the site frontage, with the intention of enabling a car to pull in and park across the width of the property, parallel with the street. However, to reach that position, it seems to me that the vehicle would have to first cross the footway at something of an angle, and then carry out one or more further forward-and-backward movements, partly on the footway itself, in order to get fully clear of the highway. Such manoeuvres would have a high potential to come into conflict with the passage of pedestrians, wheelchair users, and others including children, who would not necessarily be aware of the possibility of encountering motorised vehicles on the footway. To my mind, this situation would create a significant hazard to pedestrian safety.

5. In addition, given the constraints of the site and the proposed layout, it seems likely that in most cases vehicles would enter the site in forward gear and then have to exit by reversing out onto the highway. Again, such movements would have to be carried out at an angle, with the rear of the vehicle being directed towards the oncoming traffic. In that situation, the driver's visibility would be restricted. Moreover, their ability to take avoiding action, if necessary, would again be limited due to the potential presence of persons on the footway. In my view this would pose further substantial and unacceptable risks to the safety of road users of all kinds. For obvious reasons, the alternative of reversing into the site, rather than out, would be equally dangerous.
6. I appreciate that there are some other properties on the same side of Malvern Road where parking arrangements similar to that now proposed already take place, either with or without a formal dropped kerb. However, I note that the Council adopted its present supplementary guidance on car parking¹ only in 2021, and it seems likely that these other examples pre-date that time. In any event, the existence of other cases does not change my opinion as to the level of risk resulting from the present appeal proposal.
7. I note the submissions made regarding the appellant's mobility needs, but based on the information provided, this issue does not appear to outweigh the highway safety considerations. I accept that the alternative of parking on the carriageway has the potential to contribute to local congestion, but in the absence of any evidence to the contrary, that issue seems to me to carry less weight than matters of safety.
8. I conclude that the proposed development would be unacceptably detrimental to highway safety. In this it would conflict with paragraphs 110 and 111 of the National Planning Policy Framework which, amongst other things, require safe and suitable access for all users, and support the refusal of permission where the impact on safety would be unacceptable.
9. I have taken account of all the other matters raised, but none changes this conclusion. The appeal is therefore dismissed.

J Felgate

INSPECTOR

¹ Parking Standards Supplementary Planning Document, adopted January 2021