



Appeal Decision

Site visit made on 26 July 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/N1160/W/21/3282193

4 Lakeside Drive, Plymouth PL5 2QH

- 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 Paul Davis against the decision of Plymouth City Council.
 - The application Ref 21/01000/FUL, dated 25 May 2021, was refused by notice dated 31 August 2021.
 - The development proposed is described as a 'single drop kerb'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. 4 Lakeside Drive is a semi-detached house within part of a wider residential estate with a distinctive radial layout. The proposal relates to a domestic vehicle crossing from a hardstanding to the front and side of the dwelling onto Lakeside Drive, a class C highway.
4. Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034, March 2019 (JLP) requires development to contribute positively to the achievement of a high quality, effective and safe transport system in the plan area. It goes on to specify specific requirements which include the provision of safe and satisfactory traffic movement and vehicular access to and within the site.
5. The Plymouth and South West Devon Supplementary Planning Document, June 2020 (SPD) expands further on the application of policies in the JLP. It contains further guidance on the provision of dropped kerbs and domestic vehicle crossings. Paragraph 13.87 indicates that the standard recommendation for any access onto a classified road is that turning provision for a car should be provided within the private property to allow the vehicle to be able to enter and leave the property in a forward gear.
6. The parties disagree whether a vehicle would be able to enter and leave the property in a forward gear. The hardstanding area is an irregular shape and is bounded by block walling. It narrows in width as it progresses into the appeal site, such that at its furthest point it would measure approximately 4.3m across

but would be approximately 8.27m in width nearer to the road. The dimensions on the submitted plan show a depth of approximately 7.3m.

7. The Highway Authority recommend that the minimum dimensions to carry out a turning movement within the site would require a hardstanding of 16.5m in length and 9m in width. Given their experience and expertise, this recommendation carries considerable weight. The area provided by the proposal would be considerably below the recommended space. Even if it were technically possible to turn a domestic car within the available space of the driveway as the appellant asserts, the restricted area and awkward tapering shape of the driveway would make for a difficult manoeuvre, especially for larger car models. As such, it would be likely to involve several back and fore movements with the possibility that this may encroach onto the adjacent footway. The effort and time involved would tend to deter drivers using the space from executing such a turn and consequently, it would be more likely that they would simply seek to reverse into or out of the space.
8. Hence, based on the evidence before me, the proposed configuration would not provide satisfactory turning facilities to enable vehicles to enter and exit the appeal site in a forward gear. It follows that it would not adhere to the standard recommendation in the SPD. However, paragraph 13.88 of the SPD allows some room for discretion to depart from the presumption outlined in paragraph 13.87. This advises that depending on the nature of the classified road in terms of the volume and speed of traffic travelling along it, a new access without on-site turning provision may be acceptable.
9. The parties disagree as to whether Lakeside Drive is a busy road, but little technical information has been provided regarding the volume and speed of traffic. It is part of a circular route with a 30mph speed limit serving the wider residential estate. The section near the appeal site forms part of a local bus route. Therefore, commensurate with its class C highway status, it has some local importance in connecting the local community to the wider travel network.
10. The appeal site is situated close to junctions on both sides of Lakeside Drive, including those with Biggin Hill and Lympne Avenue. Consequently, vehicles in the vicinity, including buses, could be seeking to travel in a number of directions using junctions onto Lakeside Drive.
11. Given the circular nature of the road, its alignment curves and its topography rises to the south. On street parking is possible along most of the frontage of No.4, as well as on the other side of the carriageway. The appellant indicates and provides photographs to show that cars are frequently parked on this part of the road. The combination of these factors limits the forward visibility of drivers along Lakeside Drive. It also is likely to necessitate vehicles travelling in either direction to straddle the central line to avoid parked cars that have narrowed the available carriageway. My view on this is reinforced by the appellant's experience that vehicles parked on the road have had their wing mirrors damaged by passing vehicles, and that buses struggle to negotiate the junction with Biggin Hill due to parked cars.
12. In these circumstances, drivers reversing into or out of the site would represent a further obstacle to the free flow of traffic. Moreover, drivers executing a reverse manoeuvre either into or out of the site would have an imperfect view of pedestrians using the footway along the frontage. As such, there would be an increased risk of conflict with other road users to the

detriment of highway safety. Therefore, based on the limited evidence before me, I am not assured that a departure from the usual approach advocated in the SPD would be warranted in this instance.

13. For the reasons outlined, the proposal would have an unacceptable impact on highway safety, which is one of the circumstances that would justify the prevention of development on highway grounds according to paragraph 111 of the National Planning Policy Framework (the Framework).
14. It is put to me that the frequency of buses and traffic using Lakeside Drive is not as busy as Wolseley Road. Be that as it may, that would do little to address the harm that I have identified in this case.
15. Accordingly, I find that the proposal would have an unacceptable impact on highway safety due to the inadequate turning facilities. Consequently, it conflicts with policy DEV29 of the JLP.
16. The Council also cites policies DEV1 and DEV20 of the JLP and paragraphs 130 and 134 of the Framework on their decision notice. The JLP policies set out the approach to protecting the health and amenity of the local community and place shaping and the quality of the built environment respectively. The paragraphs of the Framework express part of the Government's approach to achieving well-designed places. Based on the evidence submitted, I find no direct conflict with the broad aims or specific criteria set out in those policies in relation to the main issue.

Other matters

17. The appellant generally asserts that new residential development is taking place with accesses onto classified roads without providing on-site turning. However, in the absence of specific examples, or the factors that led to such decisions, I am unable to make any meaningful comparisons with the appeal proposal. As such, this carries little weight.
18. Concerns are raised that inadequate warning is provided on the application form regarding new policies that affect proposed dropped kerb schemes. The appellant contends this has led to a waste of time and money. However, this is a matter that lies outside the scope of my determination, which I have based on the planning merits of the proposal.

Conclusion

19. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise¹. There are no compelling reasons to justify making the decision other than in accordance with the development plan.
20. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.