



Appeal Decision

Site visit made on 26 July 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17 August 2022.

Appeal Ref: APP/D1835/D/22/3294454
78 Ombersley Road, Worcester WR3 7EU

- 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 Sarah Wood against the decision of Worcester City Council.
 - The application Ref 21/00050/HP, dated 19 January 2021, was refused by notice dated 2 February 2022.
 - The development proposed is described as to drop the kerb outside 78 Ombersley Road to allow for off road parking for one vehicle.
-

Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the safety of other highway users.

Reasons

3. The appeal property is a mid-terrace dwelling sited close to the junction of Ombersley Road and Prediswell Street. The proposed development includes the construction of a dropped kerb within the footway along Ombersley Road to enable a vehicle to be parked within the front garden of the property. The evidence indicates that the property has a parking space at the rear accessed from Prediswell Street. Although there is currently no dropped kerb, it was observed during the site visit that the front garden comprised brick paving upon which a small car was parked. The construction of a dropped kerb would reduce an available space for on-street parking but this would be off-set by the parking space within the front garden.
4. Ombersley Road is a classified road with a speed limit of 30mph and is one of the main arterial routes into Worcester city centre. During the morning site visit there was a steady and high flow of traffic along the road and the *Streetscape Design Guide* (SDG) refers to provision being made to enter and exit a property in a forward gear on roads with high levels of vehicle flow. It was observed that the footway along Ombersley Road includes dropped kerbs which allow access to the front gardens of other dwellings with a similar sized front garden as the property. These domestic dropped kerbs appeared to be well-established.
5. By reason of the size of the front garden, it would not be possible for a vehicle to be able to manoeuvre to enter and leave the property's curtilage in forward

- gear. Accordingly, this would mean that the occupiers of the property would either need to drive into the front garden parking space in forward gear and then reverse out onto Ombersley Road or reverse in and then drive out.
6. Reversing manoeuvres onto or from a well trafficked arterial route would represent an unacceptable risk to the safety of other highway users, including drivers, pedestrians and cyclists. The same limitation on a vehicle manoeuvring area applies to the parking space accessed from Prediswell Street but this is a one-way residential road, which is not a main arterial route, and has a much lower level of traffic flow.
 7. The identified highway safety concern is accentuated because the proposed dropped kerb would be sited close to the junction with Prediswell Street and there is on-street parking along Ombersley Road either side of this junction. For other highway users there is the potential for the visibility of vehicles entering/exiting the property's front garden to be restricted by on-street parked vehicles.
 8. The appellant has identified several other matters in support of the proposed development, including ability to erect a charging point for an electric vehicle but there is no evidence to suggest such a facility could not be provided for the existing parking space. An extension to the parking restrictions associated with the junction to include the carriageway in-front of the property would require a Traffic Road Order but there can be no certainty it would be approved. These other matters do not outweigh the unacceptable impact on highway safety which has been identified.
 9. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the safety of other highway users and, as such, it would conflict with Policies SWDP 4 and SWDP 21 of the South Worcestershire Development Plan. Amongst other matters, these policies require new development to have regard to the highway design criteria and vehicular traffic from a development should be able to access the highway safely. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR