



Appeal Decision

Site visit made on 15 September 2022

by G Powys Jones MSc FRTPI

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

Decision date: 11 October 2022.

Appeal Ref: APP/D1780/D/22/3302933
37 Woodmill Lane, Southampton, SO18 2PA

- 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 Gudrajan Mishra against the decision of Southampton City Council.
 - The application Ref 21/01871/FUL, dated 17 November 2021, was refused by notice dated 21 April 2022.
 - The development proposed is extension of existing dropped kerb access.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of existing dropped kerb access at 37 Woodmill Lane, Southampton, SO18 2PA in accordance with the terms of the application, Ref 21/01871/FUL, dated 17 November 2021, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. Since it more accurately describes the proposed development, the description provided in the Council's decision notice has been utilized in preference to that in the application form.

Main issues

3. The main issues are the effect of the proposed development on parking, neighbouring amenity, and local infrastructure.

Reasons

4. The appeal property is a bungalow, and its front garden has been virtually all hard surfaced. When I visited, a vehicle was parked there, but there is room for more. Part of the kerb outside the site has been dropped; the appellant seeks to extend the length of the dropped kerb so as to access the other available hard surfaced space.
5. The property stands on Woodmill Lane which is a wide, classified distributor road. The other side of the street from the appeal site is subject to parking restrictions in the form of double yellow lines. The nearside has no such restrictions in the immediate vicinity of the appeal property. Opportunities are therefore available for on-street parking on this side of the road, north and south of the appeal site, alongside the raised kerbed parts of the highway.
6. The Council's objection is principally based on the response to consultation made by the Council's Highways Department which says:

Highways object to the above application. The existing dropped kerb is sufficient to facilitate access to the driveway. Extending the dropped kerb would remove an on-street parking space which serves a wider usage by visitors and other residents in the area. There is also a council owned waste bin that we need to be removed to facilitate an extension of dropped kerb access. No details have been submitted that the applicant has approval for the removal of the bin.

7. The existing dropped kerb is sufficient to facilitate access to part of the front parking area. But, as I saw, to gain access to the whole parking area, the appellant would need to drive over a raised kerb, which in my view is an inappropriate and sometimes dangerous practice. The appellant acknowledges that the removal of a short length of the raised kerb would result in the loss of an on-street parking space. But that, he maintains, would not result in an overall loss of parking spaces, since an additional space would be created on site. I share that view.
8. The Council has not provided any evidence of local on-street parking demand, or why highway safety may be impaired. At my visit I saw that the on-street parking spaces to the south were relatively well used; but to the north only one of the many available spaces was being utilised, and these were available for residents or visitors alike. Whilst, I acknowledge this was the situation for a limited period of time when my visit took place, there is other no evidence before me as to the parking situation in this part of Woodmill Lane at other times.
9. The litter bin of concern to the Council is situated in the footway immediately outside the site. I agree that this would need to be removed or relocated to facilitate the extended access. However, in my view, it is a matter capable of being addressed by the imposition of a suitably worded condition.
10. In conclusion, I find that the proposal to be acceptable since there is no convincing evidence that that the proposal would lead to harm either to overall parking facilities, highway safety or neighbouring amenity. Accordingly, I find no conflict with those provisions of policies SDP1 (i) and T12 of the City of Southampton Local Plan Review, and CS13 of the Southampton City Council Local Development Framework Core Strategy directed to highway safety and residents' amenity.

Conditions

11. It is necessary in the interests of certainty that the development should be carried out in accordance with the approved plans. I shall also impose a condition in respect of the litter bin, in the interests of protecting the Council's local infrastructure. The bin is situated outside the application site, but I consider that a 'Grampian' type condition is appropriate in these circumstances.

Other matters

12. All other matters referred to in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of 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: the location and site plans.
3. No development shall be commenced until a scheme for the removal and/or relocation of the footway litter bin has been submitted to and agreed, in writing, by the local planning authority.