



Appeal Decision

Site visit made on 27 February 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/D1265/D/22/3313138

101 Damers Road, Dorchester, Dorset, DT1 2LB

- 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 Dr Suguna Balasundaram against the decision of Dorset Council.
 - The application Ref P/HOU/2022/04421, dated 18 July 2022, was refused by notice dated 20 October 2022.
 - The development proposed was described as *"To drop a new Kerb, in front of my property for the vehicle access to a driveway"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description that was given on the application form, and which I have quoted in the banner heading above, the Council's decision notice also refers to the creation of a parking space to the front of the property. The provision of off-street parking is also referenced by the appellant in the description of the development they have used on the appeal form and within their appeal submissions.
3. The application was amended through the submission of a revised block plan to which I have had regard. This showed a single car parked on the property's frontage, rather than the creation of two parking spaces which was originally proposed.
4. At the time of my visit the hardstand to provide a parking space at the front of the property was complete.

Main Issues

5. The main issues are the effects of the proposal upon highway safety and the living conditions of neighbouring occupiers with particular regard to noise, disturbance and privacy.

Reasons

Highway Safety

6. The appeal property is a mid-terraced dwelling located on the southern side of Damers Road, a reasonably busy, classified road. The houses to this side of the road and along this particular stretch have fairly shallow frontages and are

set noticeably below the level of the adjoining footpath and carriageway due to the topography of the area. The levels of the frontage to No 101 have been raised by creating an L-shaped plateau which is set flush with the pavement and finished with block paving. This new surface is set away from the front elevation of the house by the width of a walkway and is approximately 1m higher than the threshold of the building. The proposal would include the lowering of the kerb at the roadside to create a pavement crossing for a car to park on the site at an angle to the road and where the new surface is at its deepest. The new crossover would involve breaking through a continuous parking bay to this side of Damers Road and which operates as a controlled parking zone for permit holders or otherwise with a limited duration of stay.

7. The Council's Highways Officer gives the dimensions of the parking area as approximately 7.5m wide and with a depth of approximately 3.5m at its narrowest increasing to approximately 4.2m at its widest. These figures, which have not been disputed by the appellant, show that there is insufficient space for a standard sized vehicle to park perpendicular to the road and clear of the pavement. Instead, to achieve this, a parked car would need to be set at an angle to the road, as shown on the revised block plan, or otherwise parallel to it. There would be no ability to turn on the site to enable a vehicle to enter and leave in forward gear.
8. The plans show a swept path for a vehicle entering the site to park in forward gear. An exit manoeuvre for a vehicle re-entering the highway from this position would not be straightforward. It would be at an angle across the pavement and potentially between parked cars on the roadside. Due to the limited space available and potential for restricted visibility, there would be risk that a car attempting to leave the site in reverse gear would seriously compromise pedestrian safety along the footpath, regardless of the absence of any boundary enclosure or other landscape features. There would also be risk to the safety of drivers and cyclists passing on the road from a car blindly and obliquely exiting the appeal site between parked cars either side.
9. The appellant has pointed to other examples nearby where cars are parked on property frontages. However, I saw no other frontage parking spaces to any of the similar terraced properties along this stretch of Damers Road. Whilst there are some pavement crossovers, these appeared to serve side garages and driveways that were part of an individual property's original layout. None were comparable to the layout or circumstances at No 101.
10. I have noted some examples of similar arrangements in surrounding roads, but these do not give access to a classified road. I am not aware of any planning history to any of these and neither am I persuaded that the circumstances, as they relate to highway safety issues, are directly comparable to the current appeal proposal.
11. The Council are concerned that the proposal would result in the loss of two on-street parking bays. Be that as it may, I have not been presented with any evidence to suggest that this would lead to any conflict that would impact highway safety. Nevertheless, for the reasons I have outlined, the function of the proposed parking space would be likely to have a severe detrimental effect on road safety. Without any proposed measures to mitigate these dangerous conditions there would be direct conflict with criterion iv) of Policy COM7 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP) which seeks overall to

create a safe and efficient transport network. By having an unacceptable impact on highway safety, the proposal would also conflict with the National Planning Policy Framework's (the Framework) objectives for promoting sustainable transport.

Living Conditions

12. The level surface of the proposed parking space approximately aligns with the cill heights of ground floor windows to the front elevation of the appeal property and those neighbouring on either side at Nos 99 and 103. A parked vehicle would impose itself as a dominant and intrusive feature at an incongruous height and at very close quarters when seen in the outlook from either adjoining property. A car's headlights would also be likely to shine directly into adjacent windows. This would be disturbing for adjoining occupants, with the potential to also reduce levels of privacy within their residences. Further nuisance would be caused by the noise of a vehicle manoeuvring so close.
13. The appellant has suggested that a boundary treatment would prevent nuisance to the adjoining neighbours. Whilst that may mitigate some of the harm that I have identified, no such treatment is proposed. Moreover, a fence or similar enclosure would be likely to have its own harmful effects in terms of visual intrusion. There is nothing before me to suggest that this would be a suitable means of mitigation.
14. Overall, I find that due to the height and position of the parking space, the proposal would conflict with LP Policy ENV16 by failing to minimise the impact of the development on the amenity and quiet enjoyment of existing and future residents to both adjoining properties. By failing to achieve a high standard of amenity for existing and future users, the proposal would also conflict with the Framework's objectives for achieving well-designed places.

Conclusions

15. For the reasons given, I find that the proposal would be harmful to highway safety and the living conditions of adjoining occupiers. I appreciate that the works to provide a level surface to the site's frontage have been undertaken to a high standard, and that the appellant originally believed that planning permission may not have been required. However, neither of these factors, nor any other issues raised, alter my conclusion that the appeal should be dismissed.

John D Allan

INSPECTOR