

Appeal Decision

Site visit made on 15 March 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 3RD April 2023

Appeal Ref: APP/D1780/D/22/3313443
411 Burgess Road, Southampton SO16 3BL

- 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 Ms Marvellous Chibisa against the decision of Southampton City Council.
 - The application, Ref. 22/01212/FUL/37703, dated 27 August 2022 was refused by notice dated 24 October 2022.
 - The development proposed is a dropped kerb to allow driveway access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the description of the proposed development on the application form is technically incorrect, I have instead used the wording on the appeal form.

Main Issue

3. The main issue is the effect of the proposed dropped kerb on highway safety and residents' parking.

Reasons

4. I saw on my visit that Burgess Road is a busy highway with roadside resident permit parking in front of No. 411 and its neighbours. Although a few properties have on-site parking in their front curtilages with access over a dropped kerb, the majority do not.
 5. The grounds of appeal refer to these accesses, but whilst I acknowledge that there is ostensibly an inconsistency of approach the Council has referred to other refused applications in the locality which suggests that these accesses are long established or unauthorised and quite possibly both. Be that as it may, I am satisfied that the Highway Authority would be likely to resist any proposal for on-site parking with an access to a classified road where on-site turning is impracticable, not just Burgess Road.
 6. This is because reversing either into or out of the frontage on such roads is inherently hazardous, particularly in darkness and in poor weather. It is often difficult to see pedestrians on the pavement and when reversing out of the property through a line of roadside parking there are effectively no sightlines towards oncoming vehicles. As a result, the driver of the emerging vehicle has
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to 'edge' out which can result in passing vehicles having to stop suddenly or swerve. If the option is chosen to reverse from the road into the curtilage, very similar hazards again apply to other road users and pedestrians.

7. As regards the effect on resident street parking, the Council's case is less sound, as the appellant's existing resident space at the roadside would be offset by the on-site space and thereby available for use by another permit holder. The appellant says that the frontage would be used by two cars, but whilst might remove a further car from the roadside there is insufficient information with the application to demonstrate that two cars can be parked on the site with the proposed dropped kerb of single space width.
8. I have noted the appellant's intention to purchase an electric vehicle, but until there are roadside electric vehicle charging points this will always be problematic. However, it is an issue that will affect countless other drivers throughout Southampton and indeed the country who only have roadside parking spaces and I cannot see that it justifies a permission in this case. The decision to purchase of an electric vehicle is a matter of choice for the appellant that will be made in the full knowledge of her existing circumstances.
9. Overall, I find that the proposed dropped kerb to allow highway access would be an unacceptable hazard as regards highway and pedestrian safety. This would be contrary to Policies SDP1 & T12 of the City of Southampton Local Plan Review (amended 2015); Paragraph 5.2 of the Residential Design Guide 2006, and to Government policy in Section 9: 'Promoting Sustainable Transport' of the National Planning Policy Framework 2021. (The Council also referred to Policy SDP7 of the Local Plan Review but in my view have not justified any conflict with this policy).
10. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR