



Appeal Decision

Site visit made on 7 March 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/N1160/W/22/3311037

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 22/01325/FUL, dated 2 August 2022, was refused by notice dated 27 September 2022.
 - The development is described on the application form as "We are wanting to adapt our driveway/front garden to fit within the policy required for us to drive in, turn around and drive out of our driveway in a forward gear".
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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. The appeal site comprises a semi-detached house in a residential area. The dwelling and front garden directly front onto Lakeside Drive, a class C highway with a curved alignment. The site is close to a junction with Biggin Hill.
4. The parties disagree whether adequate provision can be made within the site to allow a vehicle to enter and exit in a forward gear in accordance with paragraph 13.87 of the Plymouth and South West Devon Supplementary Planning Document, June 2020 (SPD).
5. To enable a car to enter and exit in a forward gear, the Highway Authority recommends a minimum hardstanding of 16.5m by 9.0m. I acknowledge that the Highway Authority measurements are only recommendations. However, given their expertise in this area, they carry considerable weight.
6. It is clear from the proposed layout plan that the hardstanding would fall short of these measurements. In addition, there is an absence of compelling evidence clearly demonstrating that a car would be able to turn within the hardstanding area proposed. Accordingly, I find that there would be inadequate space for a vehicle to turn on site as required by the SPD.
7. Even if I were to find that a vehicle could turn within the site, given the limited depth of the turning area, position of boundary walls and the front corner of the house, any turning would be likely to involve several forward and reverse manoeuvres. The work involved in these manoeuvres would, it seems to me, deter most drivers and thus make it more likely that vehicles would reverse

into or out of the site. This would present an obstacle to vehicular traffic and other users of the footway to the detriment of highway safety.

8. I note that paragraph 13.88 of the SPD allows some reduction in the need to turn within the site depending on the nature of the classified road in terms of the volume and speed of traffic using it. From the evidence before me, and as experienced at my site visit, Lakeside Drive is a well-used route connecting to the wider road network. In light of this and given that Lakeside Drive is a 30mph class C highway with a curved alignment, and with on-street parking reducing visibility in close proximity to junctions, I find that a reduction in the need to turn within the site would result in an increased risk of conflict with other road users.
9. Paragraph 13.89 of the SPD states that vehicle crossings within 15m of a junction on a classified road are likely to be refused. From the information before me, the proposal would be within 15m of the junction with Biggin Hill. Given the distance to the junction, well used nature of the road and presence of on-street parking reducing visibility between the appeal site and the junction, this would result in further danger to road users.
10. Whilst the proposal would result in the removal of a parking space from the road which could make it slightly easier for other road users to pass the site, this would not outweigh the increased danger identified above resulting from vehicles exiting the site.
11. For the reasons above, I conclude that the proposal would harm highway safety. As such, it would conflict with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034, March 2019 and Paragraph 111 of the National Planning Policy Framework. Amongst other things, these seek to ensure that development provide safe and satisfactory traffic movement and vehicular access to and within the site and would not have an unacceptable impact on highway safety.

Other Matters

12. In coming to this view, I have taken account of the single neighbour objection to the proposal and the appellant's comments in response to it. I also acknowledge the level of demand for on-street parking and the support for freeing up space on the road for other users. However, any space gained on the road from the removal of the appellants car would be offset by the space required to enable unrestricted access to the new driveway. As a result, this matter carries little weight.
13. Concerns are raised regarding consistency given the presence of several similar driveways in the area, some of which are said to be more of a danger than the appeal proposal, and the Council's approach to other new development. I viewed a number of existing accesses in the area at the time of my site visit, but I have limited details of their circumstances or planning history. I have no details of the other new development mentioned. As a result, I cannot be certain other driveways or development are directly comparable to the appeal proposal.
14. Comments have been raised regarding the fairness of the planning process leading to wasted time and expense. However, this is a matter that lies outside of the scope of my decision, which is based on the planning merits of the

proposal and planning policies applicable at the time of the decision. It is also stated that there is no law saying that somebody cannot have a driveway. However, planning permission has been refused for the proposal, and it is on this basis that the appeal has been submitted and considered.

Conclusion

15. For the reasons given above I conclude that the appeal proposal conflicts with the development plan taken as a whole. There are no material considerations, which indicate a decision should be taken other than in accordance with the development plan. As such, the appeal is dismissed.

C Rose

INSPECTOR