



Appeal Decision

Site visit made on 21 March 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2023

Appeal Ref: APP/N1160/D/23/3314868

55 Briar Road, Plymouth, PL3 5JH

- 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 Terry Roberts against the decision of Plymouth City Council.
 - The application Ref 22/01820/FUL, dated 31 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is the construction of a vehicle parking bay.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a vehicle parking bay at 55 Briar Road, Plymouth, PL3 5JH in accordance with the terms of the application, Ref 22/01820/FUL, dated 31 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250, Block/Site Plan at scale 1:500 and Drg No 3115.
 - 3) The parking area hereby permitted shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 1 metre from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained.

Main Issue

2. The main issue is the effect of the proposal upon the local transport system.

Reasons

3. The appeal property is a detached dwelling set above the levels of the road and pavement along Briar Road and behind a raised frontage retained by a low wall at the back edge of the footpath with steps leading up to the dwelling's threshold. There is a driveway to the side of the property capable of accommodating two parked cars in tandem. The property sits towards the terminal end of Briar Road, a residential no-through road. The proposal would involve excavation of part of the property's frontage to create a hard surface 4.8m deep and 3.5m wide that would be flush with the levels of the highway in order to provide a single parking space perpendicular to the road and accessed via a new pavement crossover. The area would be open fronted and enclosed

on three sides by a new retaining wall with steps to the front of the property re-routed and positioned centrally.

4. Paragraph 13.89 of the Plymouth and South West Devon Supplementary Planning Document (2020) (SPD) lists a number of criteria that should be adhered to when applications are made for a new access onto a highway. The Council's objection is to the creation of a second vehicle access point to the site, which would be contrary to the first guideline criterion of paragraph 13.89. This states that a property is only allowed to have one functioning domestic vehicle crossing, except in extenuating circumstances and that applications to provide more than one crossing shall be considered on a case-by-case basis.
5. The proposal would add a second vehicle crossing to the appeal site. This would be contrary to the SPD's guidelines. However, there is no suggestion from the Council that the proposed parking space would cause any harm.
6. By conflicting with the guidance within the SPD, the Council conclude that there would be conflict with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan adopted in 2019 (JLP). This policy requires development to contribute positively to achieving a high quality, effective and safe transport system in the development plan area and lists ten criteria to be satisfied. The Council has not directed me to conflict with any of the criteria.
7. The proposal would reflect a plethora of other access points along Briar Road where I saw a number of properties with either two pavement crossings or else with a width capable of accommodating more than one parked car off-street and perpendicular to the highway. There is no evidence before me to suggest that the movement of a vehicle into or out of the parking space would be unsafe or otherwise impact the existing highway environment. The officer's report confirms that there are no issues regarding the effect of the proposal upon the character or appearance of the area, or upon the amenity of any neighbouring or nearby occupiers. I have no reason to disagree. The property is not part of an employment, retail or any other destination location where control over the level of parking provision is required and neither would there be conflict with any of the Policy's other more strategic criteria. I am therefore unable to identify any conflict with Policy DEV29.

Conditions

8. A condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty. I agree with the Council that a condition requiring either a permeable surface or drainage to a private soakaway is required, and to be maintained, in order to avoid any detrimental impact upon the wider transport network from surface water runoff.

Conclusion

9. For the reasons given, I am satisfied that there would be no harm to the local transport system. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the circumstances in this case lead me to conclude that the appeal should succeed.

John D Allan

INSPECTOR