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# Appeal Decision

Site visit made on 2 May 2023

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 May 2023**

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**Appeal Ref: APP/P4605/W/22/3311391**

**34 Warwick Road, Springfield, Birmingham B11 4QR**

- 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 D Khan against the decision of Birmingham City Council.
  - The application Ref 2022/00008/PA, dated 3 January 2022, was refused by notice dated 20 September 2022.
  - The development proposed is described as “a drop kerb access frontage of a terraced dwelling.”
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on highway and pedestrian safety.

## Reasons

3. The appeal site comprises a mid-terraced dwelling located on Warwick Road. 34 Warwick Road (No 34) has a small frontage surfaced in hardstanding material with brick walls to its side boundaries. The frontage of No 34 abuts a pedestrian footway. Permission is sought for a dropped kerb off Warwick Road, to give vehicular access to the front of No 34 and would cross over the pedestrian footway.
4. Warwick Road is a busy A class highway and there are double yellow line parking restrictions marked on the highway adjacent to No 34. The site is near a traffic junction and a traffic light controlled pedestrian crossing point beyond. This leads to pedestrian and vehicle movements in and around the locality. As such, motorists would be more focused on their next manoeuvre when approaching the traffic junction than vehicles entering and existing the appeal site's access.
5. A vehicle slowing down to enter the proposed access in either first gear or reverse would lead to vehicles behind it on the highway slowing down and even stopping while waiting for the vehicle to enter the driveway. This would therefore cause interference with the free flow of traffic.
6. There is insufficient space on the site to enable the turning of a vehicle to enter and exit the site in a forward gear. Reversing out of the site onto the highway across the pedestrian footway would be hazardous to pedestrians and other passers-by. Vision would be restricted from the driveway by the oblique angle in which the vehicle would be parked due to No 34's bay window encroachment

onto the small property frontage. The brick walls on No 34's side boundaries would also restrict visibility. Therefore, when reversing from the driveway there would not be adequate time to react to oncoming pedestrians or other highway users passing-by. This would lead to an increased risk of pedestrian and vehicle collisions in the area, to the detriment of highway safety.

7. Some of the neighbouring properties within the wider terrace have paved over their front gardens to create parking spaces. However, I observed during my site visit that dropped kerbs had not been installed in front of these properties. Although the proposal may lead to a reduced on-street parking demand in the locality of the appeal site, this does not lead me to a different conclusion. I have identified harm with the proposal for the reasons explained.
8. The appellant has suggested a condition to restrict parking provision of the proposed driveway to one vehicle. Nonetheless, the risk to highway safety I have identified remains.
9. For the reasons given, the proposal would unacceptably harm highway and pedestrian safety. As such, it would not comply with Policies PG3 and TP44 of the Birmingham Development Plan (2017). Collectively, these policies amongst other things, seek to ensure proposal's do not cause unacceptable levels of highway safety. In addition, the proposal would fail to accord with the National Planning Policy Framework (para 110), which seeks to ensure that safe and suitable access to the appeal site can be achieved for all users.

### **Other Matters**

10. I acknowledge that there is a lack of available vehicle parking for residents and there are parking restrictions in the local area. However, for the reasons above, the proposal would be detrimental to highway safety.
11. My attention has been drawn to photographic evidence of vehicles parking in the nearby area. Although there may be incidences of inconsiderate parking on the roads near to the site, this does not weigh in favour of the proposal and certainly does not outweigh the harm that has been identified.
12. My attention has also been drawn to photographic evidence of other properties within the local area that have vehicular access from a public highway. Even so, these parking arrangements are not before me. I have determined this appeal on its own merits and the appeal site's specific relationship to the highway.

### **Conclusion**

13. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

*Helen Smith*

INSPECTOR