



Appeal Decision

Site visit made on 16 May 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/Q9495/D/23/3314446

Station Cottage, 4 Station Terrace, Embleton, Cockermouth, Cumbria CA13 9XL

- 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 Mrs Anita Jojo against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/2176, dated 22 June 2022, was refused by notice dated 4 November 2022.
 - The development proposed is described on the application form as "Removal of falling 30cms wall and railings attached, removal of all bushes and rockery area in front garden, removal of all the crazy paving that existed. This was then replaced by type 1 sub base to 20cms depth, filled as appropriate and then covered by 5cms of blue slate chippings. Footings remain at front of house and we now can park a car in our new area".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been carried out. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effects of the development on highway safety and the character and appearance of the area.

Reasons

Highway Safety

4. The appeal site is a mid-terrace dwelling located within a cluster of properties along Station Terrace. The property's modestly sized front garden, which is accessed from Station Terrace, is being used as an off-street parking area. Vehicle access has been created through the removal of the boundary wall and attached railings and the laying of slate chippings.
5. Station Terrace is a road that features two-way traffic. There is no pavement where it passes through the cluster of properties other than for a short distance on the opposite side to the site near to the junction with the A66. During my site visit, which I appreciate is a snapshot in time, I observed several vehicles travelling along Station Terrace and a small number of cars parked on the highway in front of the terrace.

6. The off-street parking area is roughly perpendicular to the highway. According to the submitted plan it is around 3.8 metres in length at its longest point reducing to around 3.4 metres along the boundary with 5 Station Terrace due to the angle of the property with the highway.
7. The Highway Authority states that parking spaces should be a minimum of 6 metres in length. I appreciate that this distance is to accommodate gates or doors. Nevertheless, the length of the area, even at its longest point, is below this by more than a marginal degree, particularly when the measured distances appear to rely on the length being taken immediately abutting the front elevation of the dwelling. In practice, it is unlikely that a car would be parked flush to the property. Although some small cars could be parked clear of the highway, this would not be the case for many moderately sized or larger cars, which would significantly encroach into the highway, especially once space to move around the vehicle, for example to open and load and unload the boot, is considered. This is to the detriment of highway safety, including through the obstruction of pedestrian movement.
8. The appellant may currently own a small car which can be parked in the area without overhanging the highway, but there can be no certainty that this would always be the case. Furthermore, if permission is granted, it would continue for future occupiers and would therefore be capable of being used by a wide range of vehicle sizes. It would not be enforceable to restrict the parking to a vehicle of only certain dimensions.
9. Moreover, there is insufficient space for vehicles to turn within the area and thus reversing is required to either enter or exit it. Due to the time required for and more limited visibility of drivers undertaking such manoeuvres, there would be an increased potential of collisions in comparison with parking on-street. In addition, there is the potential that vehicles will continue to be parked on-street nearby, which would limit intervisibility for drivers of vehicles egressing from the site and those travelling along the highway.
10. Although the area may be longer when measured diagonally, given the angle that a vehicle would have to park, it is still likely that there would be encroachment onto the highway. The appellant contends that the midpoint of the parking area is around 4.15 metres. In addition, the appellant cites the Highway Authority consultation response which states that its plans measure the area as 4.6 metres in length, although no information is presented to illustrate this including if it relates to the shorter or longer edge of the site. Neither of these measurements are supported by the plan submitted with the application.
11. Even if the length is that referred to by the Highway Authority, it is still materially less than the required distance, and there would remain an unacceptable risk to highway safety for the reasons stated above.
12. While noting the appellant's statement about the size of spaces required by most English councils, the submitted evidence sets out that a particular standard applies within this area.
13. The appellant considers that the parking area is safer than on-street parking. Nonetheless, the evidence before me is not persuasive that the existing on-street parking situation poses a significant risk to highway safety, but the

development itself does pose a significant risk due to the physical constraints of the site.

14. The use of loose material poses a risk to motorists should it be deposited onto the highway by vehicles leaving the parking area. However, I note the appellant's comments about the treatment that has been used on the slate, and I am satisfied that a planning condition could address this matter, had I been minded to allow the appeal.
15. Notwithstanding this, for the reasons given, the development significantly harms highway safety, in conflict with Policy 06 of the 2021 adopted Lake District National Park Local Plan 2020 – 2035 (the LP) which requires development to create safe and accessible environments amongst other matters. There is also conflict with the highway safety requirements of paragraph 111 of the National Planning Policy Framework (the Framework).
16. Reason for refusal one on the Council's decision notice refers to a conflict with Policy 08 of the LP. This policy appears to be more aimed at ensuring new development is supported by adequate infrastructure. Consequently, I do not consider it relevant to the main issue, although this does not alter my findings.

Character and Appearance

17. The dwellings within the terrace in which the site is located have a relatively consistent design and plot size, with the front gardens other than the appeal property enclosed mainly by low walls, lengths of which are topped by railings. These features give a strong degree of uniformity and balance to the terrace and a pleasing visual rhythm to the built form. The enclosure of the properties along Station Terrace by low stone walls along their boundary with the highway is a consistent feature of the wider street scene. While there is some variety in the style of boundary wall, the uniformity of the boundary treatment along Station Terrace is a feature that contributes positively to the character and appearance of the area.
18. The removal of the boundary wall and railing has created a gap in the otherwise continuous boundary frontage of the terrace. The gap is conspicuous in the street scene and materially at odds with its surroundings. It harmfully disrupts the uniformity of the front boundaries which is a positive feature of the character and appearance of the area.
19. The development therefore significantly harms the character and appearance of the area, contrary to the requirements of Policy 06 of the LP and the design objectives of the Framework, which require development to reinforce and be sympathetic to local character amongst other matters.

Conclusion

20. The development conflicts with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR