



Appeal Decision

Site visit made on 2 May 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/U4610/D/23/3315166

315 Old Church Road, Coventry CV6 7DY

- 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 Varinder Singh against the decision of Coventry City Council.
 - The application Ref HH/2022/2855, dated 19 February 2022, was refused by notice dated 16 November 2022.
 - The development proposed is formation of vehicular access and a dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon highway safety.

Reasons

3. No. 315 is a mid-terrace dwelling set back from the pavement located close to the junction between Old Church Road and Gayer Street in a predominantly residential location. Further down Old Church Road is a small industrial site as well as the Little Heath Primary School. Accordingly, the road appears to be well used by both pedestrians and a wide variety of vehicles.
4. At the pedestrian entrance to the school on Old Church Road there are parking restrictions. These parking restrictions are lifted near to No. 315 and the Council has installed off street unallocated concrete grass grid parking spaces behind timber barriers within the vicinity of the appeal site. It is noted that these were installed to protect the safety of pedestrians, including school children with the spaces allowing vehicles to park off the road and the nearby pavement.
5. The proposal seeks to remove part of this parking area and the timber barrier and install a dropped kerb that would extend across effectively the full width of No. 315 and provide access to off street parking in front of the property.
6. Whilst this was only a snapshot in time, when I visited the area there was a steady flow of traffic with buses and larger vehicles using the road. Given that there is a school located close to the site, during school pick up and drop off times it would not be unreasonable to conclude that there would be a high volume of traffic passing the site, as well as cars parked in the unallocated parking spaces next to No. 315.
7. Given the dimensions of the proposed driveway it is unlikely that a car could be turned around easily within the site to enable it to exit in a forward gear. A

multi-point manoeuvre is therefore likely to be required to exit in a forward gear, with some of these manoeuvres occurring on the pavement. Alternatively, vehicles would either reverse into or out of the driveway.

8. Each of these manoeuvres would unduly hinder the ability of pedestrians to move safely along the pavement, including children travelling to and from school and those with mobility issues, including elderly and disabled people. Furthermore, the likely situation of vehicles exiting the site in reverse gear over the pavement would severely restrict the visibility of any driver to oncoming traffic approaching the access. This would be particularly so if vehicles were parked either side of the proposed access.
9. Whilst vehicles should not be parked in front of a driveway with a dropped kerb, without the timber barriers there would be nothing physically stopping them from being parked on the pavement. This would be particularly dangerous for pedestrians with mobility problems, like the elderly and children.
10. Consequently, vehicles reversing in this location near to a junction and the vehicular access opposite would be an added distraction and a hazard to vehicles and pedestrians travelling along this part of the road. In light of these circumstances, the proposal would unacceptably increase the likelihood of conflict between pedestrians, cyclists and motorists and would impede the safe flow of traffic within the area.
11. The occupiers and visitors to No. 315 would be able to park their vehicles on the proposed driveway. However, the loss of the unallocated space in front of the site would displace any vehicle that may have parked there. This would increase demand for on street parking on Old Church Road and the surrounding roads where there may be no parking restrictions or highway safety measures. This would increase the chances for pedestrian and vehicular conflict.
12. Whilst it is acknowledged that the neighbouring properties have a dropped kerb the Council has confirmed that permission was granted before the unallocated parking spaces were built. Notwithstanding my concerns with vehicles undertaking reversing manoeuvres in this location, those proposals did not result in the removal of unallocated parking spaces or the timber barriers. In comparison this proposal would remove these barriers which would erode the effectiveness of them to protect vulnerable highway users.
13. Given the above, I conclude that the proposal would compromise the highway safety of the site and area. This would be in conflict with Policies AC2 and AC4 of the Coventry City Council Local Plan (adopted 2017). These policies seek to, amongst other things to ensure that development proposals do not have a negative impact on the safety of the highway network. Furthermore, I find conflict with the National Planning Policy Framework (revised 2021) which, along with other matters, at paragraph 112 c) seeks developments that minimise the scope for conflicts between pedestrians, cyclists and vehicles.
14. In reaching this conclusion I have had regard to the appellant's concern about the Council's lack of engagement with them during the course of the planning application. This does not have any bearing on the merits of the case and is a matter that should be taken up directly with the Council in the first instance.

Conclusion

15. The proposal conflicts with the development plan taken as a whole. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

G Sibley

INSPECTOR