
Appeal Decision

Site visit made on 31 July 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 09 August 2023

Appeal Ref: APP/U4610/W/23/3320185

439 Beake Avenue, Coventry CV6 2HN

- 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 Fiza Azlam against the decision of Coventry City Council.
 - The application Ref PL/2023/0000005/HH, dated 27 December 2022, was refused by notice dated 4 April 2023.
 - The development proposed is the formation of a vehicular access including a dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development, as described on the planning application form, is for 'a dropped kerb'. The local planning authority (LPA) describes it as for the 'formation of vehicular access including a dropped kerb'. I have used the latter description in the banner heading as it precisely describes the proposed development.

Main Issues

3. The main issues are (i) the effect of the proposal upon highway safety and (ii) should there be any harm to highway safety, whether this is outweighed by the personal and health circumstances relating to the appellant.

Highway safety

4. No.439 Beake Avenue is in a residential area largely comprising two storey properties with front amenity spaces with many given over to off-road parking. There is a preponderance of low brick walls on the boundaries of the dwellings with the highway footpath in front of them, though several of the dwellings have open accesses along the whole of their frontages to permit vehicles to drive into parking spaces at right angles to the highway and in the front amenity spaces. This is the case with regard to properties immediately adjoining the appeal site on its southern side.
5. However, many others, including the appeal property, have a single vehicular wide access though several, again including the appeal dwelling, use the single

vehicle wide access to permit additional parking directly in front of the dwellings.

6. The appeal property has one vehicular wide access which extends down the side of the dwelling leading to a garage. On my site visit, I was able to see that ,while there would be room for parallel parking on the driveway, it is used for the parking of one vehicle while also giving access to the parking of a second vehicle directly in front of the dwelling. The proposal is to increase the width of the vehicular access for the full extent of the property.
7. The proposed wider access, with drivers entering and leaving the highway over a wider expanse, would increase the length over which pedestrians would have to negotiate vehicles. The removal of the existing low wall would reduce the safety area in front of the property available to users of the footpath. Such users would be likely to include, amongst others, those with eyesight impairment and those with children.
8. For the above reasons, the additional width of the access and the removal of the front wall would cause unacceptable harm to highway safety.
9. I acknowledge that other dwellings already have such a similar arrangement. However, that does not justify allowing development which would cause unacceptable harm highway safety. I have, in any event, determined the appeal on its individual planning merits.
10. I therefore conclude that the proposed development would not accord with policies AC2 and AC4 which seek to avoid developments which have a negative impact upon highway safety and to encourage those which permit safe access for walkers.

Personal circumstances

11. I have afforded the appellant a further opportunity to comment upon his personal circumstances and I have carefully considered these in relation to the proposed development.
12. Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health conditions of the appellant. These are personal circumstances to which I afford significant weight in favour of the appeal. However, such personal circumstances do not prevent the appellant from driving. In weighing the personal circumstances in the balance, this has to be considered against the very significant effect that the proposal would have upon highway safety.
13. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
14. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of protecting highway safety. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights. Therefore, whilst I

acknowledge the personal circumstances of the appellant, I conclude that this is a matter which does not outweigh the harm that would be caused by the proposal in respect of my conclusions upon highway safety.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR