



Appeal Decision

Site visit made on 29 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/R1845/W/23/3317324

7 Mitton Street, Stourport-on-Severn DY13 9AF

- 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 Gill Howman against the decision of Wyre Forest District Council.
 - The application Ref 22/0765/FUL, dated 15 September 2022, was refused by notice dated 9 February 2023.
 - The development proposed is change of use of verge to extend curtilage of dwelling house and the relocation of existing walls to allow for the formation of an accessible access and car parking for a disabled person's dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the application form. However, the appellant has set out in their appeal statement that a change of use of the site is not required given that this has been granted planning permission previously under application 20/0428/FUL. A revised description has been suggested by the appellant; "Creation of Accessible Driveway and Parking Area for a Disabled Persons Dwellinghouse". The Council has agreed to the revised description in their appeal statement. Therefore, I have determined the appeal on this basis, notwithstanding the description above.
3. I observed at the time of the site visit that works had commenced and the parking area was partially constructed, and I have dealt with the appeal on that basis.
4. No.7 Mitton Street is a detached nineteenth century house located within the Stourport no.2 conservation area. The Council has set out that the property is also listed on the Worcestershire Historic Environment Record and on this basis, it is a non-designated heritage asset in the terms of the National Planning Policy Framework (the Framework). However, the Council's conservation officer has raised no objections to the development, and I see no reason to disagree in consideration of the development and the context of the site.

Main Issue

5. The main issue is the effect of the development on highway safety.

Reasons

6. The appeal site is located within a busy built-up area on the northern side of the A451, Mitton Street, which is a principal road through Stourport-on-Severn. Mitton Street is subject to a one-way traffic regulation order and a 30mph speed limit. There are restrictions which prevent parking, as well as loading and unloading at certain times.
7. The appeal site is close to a signalised junction and traffic approaches the appeal site from the junction. The signalised junction controls the traffic flow from both the Mitton Street arm and the Severn Road arm. The development is for the creation of a vehicular access to the appeal property, along with a hard surfaced parking area (driveway). The works to create the driveway are largely complete but a dropped kerb has not been installed. Therefore, a full height kerb runs the length of the site and vehicles parking on the driveway have to 'bump' up the kerb to get access.
8. Policies DM.24 and SP.27 of the Wyre Forest District Local Plan (Local Plan) require that vehicular traffic from the development should be able to access the highway safely and that satisfactory access and provision for the parking, servicing, and manoeuvring of vehicles should be provided in accordance with the recognised standards, which includes the Worcestershire Streetscapes Design Guide (WSDG). The WSDG states that new accesses must demonstrate vehicular and pedestrian visibility and sets out the specific requirements for visibility splays. These are consistent with the Framework, where paragraph 110 requires that safe and suitable access is available for all users, and paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(c) also states that developments should minimise the scope for conflicts between pedestrians, cyclists and vehicles and respond to local character and design standards.
9. The appellant has indicated that they are a blue badge holder, and the property does not have a designated off-street parking space. An Access Appraisal (AA) has been submitted which indicates that visibility splays for vehicles travelling at 25mph can be achieved. They consider that this is appropriate for this part of Mitton Street because vehicles are travelling slower than the speed limit of 30mph, due to the proximity of the development to the signalised junction. The AA also concludes that the access and driveway provides sufficient space to enable a vehicle to leave and re-enter the carriageway in a forward gear, and the nearby traffic signals provide regular gaps in traffic to increase the safety of vehicles pulling on and off the site. It is also set out that the access has operated safely for a number of years, whilst works were being undertaken. Overall, the AA concludes that the residual cumulative impact of the proposed development is not severe, in accordance with the relevant policies of the Framework.
10. The driveway is constrained by brick boundary walls to either side, a retaining wall, and set of steps, at the rear. These features result in a driveway of limited width and depth, which restricts the amount of space for parking and turning within the site. These elements would be repositioned to allow more useable driveway, but it is likely that only one vehicle could park on the site because there is otherwise limited space to enter and leave in a forward gear. The lack

of space would increase the likelihood that the occupants of the appeal property would reverse into the driveway or reverse onto the road, which would be increased if two vehicles were parked on the driveway. This would further exacerbate the risk to highway safety because there would be no way of controlling the number of vehicles parking on the driveway at any one time.

11. The brick wall, with soft landscaping above, to the south-east of the driveway, severely restricts visibility to the left, towards the Mitton Street arm of the signalised junction. The visibility is also impeded by a bend in the road and the topography of the land, which has a gentle slope down to the junction. The Severn Road arm of the junction can be seen from the driveway, but visibility of vehicles approaching the junction is restricted by a boundary wall and hedgerow above, of the property opposite. The Council have carried out a speed survey which has demonstrated that vehicles travel above the 30mph speed limit and there have been 21 personal injury accidents recorded on the one-way system, which they consider represents a persistent safety problem in this location.
12. It is acknowledged that the signalised junction controls traffic flow to a certain degree, but it is a busy junction, and the flow of traffic is unpredictable. The limited ability to manoeuvre and park within the site, the poor visibility, the unpredictable traffic flow, along with high vehicle speeds, leads me to conclude that the access arrangements to the site would be substandard and would be detrimental to highway safety. Furthermore, the footway outside the site is only narrow and due to the poor visibility towards the junction, a vehicle exiting the site would need to obstruct the footway for a period of time, whilst they wait for a safe break in the traffic. This would conflict with pedestrians and their safety.
13. The appellant has cited other examples of accesses onto Mitton Street. The presence of these other accesses is a material consideration to which I must have regard. However, the safety of an access is a site-specific matter, given that visibility and physical layout will differ to some extent in each case, even for nearby properties. I have considered this appeal on its own planning merits.
14. The development would provide associated benefits for the appellant in that it would create an off-road parking space for the occupants, which would also enable the provision of an electric vehicle charging point and for the applicant to own an electric car, which is currently not possible. However, I only attach moderate weight to these matters, and this does not outweigh the harm to highway safety that would result from the development.
15. For the reasons outlined above and on the evidence before me, I find that the development would have an unacceptable impact on highway and pedestrian safety. Accordingly, this would conflict with policies DM.24 and SP.27 of the Local Plan and paragraphs 110, 111 and 112 of the Framework, which amongst other things, seek to ensure highway safety for all users.

Conclusion

16. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which include disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in

Section 149 of the Act. The negative impacts of dismissing the appeal will arise from the appellant having no designated off-street parking provision within their curtilage. Therefore, they would need to continue to park elsewhere. However, having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportionate, having regard to the harmful effect of the access and parking arrangements.

17. The appeal proposal would conflict with the development plan taken as a whole. There are no material considerations to lead me to find otherwise than in accordance with it. Therefore, the appeal is dismissed.

N Bromley

INSPECTOR