



Appeal Decision

Site visit made on 22 September 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 20.10.2023

Appeal Ref: APP/U4610/W/23/3321587

172 Binley Road, Coventry, East Midlands CV3 1HG

- 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 K Olmezkaya against the decision of Coventry City Council.
 - The application Ref: PL/2023/0000402/HHA dated 23 February 2023 was refused by notice dated 24 April 2023.
 - The application is for formation of vehicular access including a dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the Council's decision notice differs from that used in the Appellant's original application form. In Part E of the Appeal form it is stated that the description of development has not changed and as such I use the description from the decision notice that I consider better reflects the nature of the development proposed.
3. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Main Issues

4. The main issue is the effect of the proposal upon the safe and efficient use of the highway.

Reasons

5. The appeal property is a semi detached two storey bay fronted house facing onto Binley Road, which is a major 'A' road axial route into the city of Coventry. The property itself is typical of the inter war character of this part of Coventry where most properties are of suburban style and often contain attractive features, including gardens, that face onto the highway and have a softening effect upon the streetscene.
6. In this case, number 172 maintains its front garden with a sizeable coniferous tree growing behind a simple red brick wall that allows some separation from

the main road before it. To the rear the property maintains a detached garage that is accessed from a rear lane. The access to this garage is positioned at an angle that I consider would make it easier for vehicles to access it.

7. The proposal before me is for a dropped kerb to the front of the property so as to allow vehicular access directly from the highway and to enable vehicles to park upon the front property curtilage of the house. Although the proposal is not for the alteration of the front garden the implication is that the existing front garden would be paved and the existing landscape and wall would be removed.
8. I have evidence before me that one of the residents of the appeal property has limited mobility and as such the Appellants feel that it is necessary to have parking immediately outside of their front door. This is supported by a note from the GP of a Mrs Wesseldine.
9. In considering this appeal I give great weight to the personal circumstances of Mrs Wesseldine in her apparent need for a parking space that is closer than her current garage in the rear property curtilage. However, these personal circumstances must be balanced against the highway safety implications of allowing vehicular access directly onto the main Binley Road.
10. I saw on my site visit that the appeal property is located within close proximity to both a set of traffic lights and an existing bus stop. I also noticed the amount of traffic using the road and the busyness of the highway here for both cars, cyclists and pedestrians.
11. In assessing the comments of the Council's Highways consultees I can see the potential difficulty in manoeuvring a vehicle within the front curtilage of the property that would likely result in any vehicle needing to either reverse onto, or off of, any driveway here.
12. I consider it highly likely that such a situation would result in not only conflict with traffic queuing at the traffic lights, but also conflict with the bus stop. Moreover, I consider that there could be potential conflict with pedestrians using the footpath here whose safety could be in danger through further vehicle movements from another, perhaps unexpected, direction in this busy location.
13. Not only would such a situation result in the removal of a characteristic landscape feature along Binley Road in the form of a front garden, but it would therefore compromise highway safety to such an extent as to lead me to conclude that the risk to the safety of other users along the highway would outweigh the personal benefits of the applicant in this instance. Even though I give great weight to these personal circumstances regarding the disabilities of residents here, I consider that there are alternative parking arrangements to the rear of the property that are useable and would not result in the conflict identified above with other users.
14. As such I consider that the proposal before me would cause harm to the safe and efficient use of the highway and would also cause some more limited harm to the character and appearance of the streetscene here. As such the proposal would be in conflict with Policies AC1 and AC2 of the Coventry Local Plan 2016 as well as the overriding policy as contained within the Framework.

Other Matters

15. The Appellant has directed my attention to other such dropped crossings and properties who currently have frontage parking in a similar manner. Although I saw on my site visit that such parking does exist nearby, I have no evidence before me as to the precise reasons behind these schemes gaining permission, nor any information on the specifics about the way that they function. As such I can only attribute limited weight to these examples and the presence of them does not outweigh the specific highway safety issues that I have found above.

Conclusion

16. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR