



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/D/23/3326227
88 The Scotchill, Coventry CV6 2EX

- 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 Moses Francis against the decision of Coventry City Council.
 - The application Ref: PL/2023/0000613/HHA dated 3 May 2023 was refused by notice dated 4 July 2023.
 - The application is for formation of vehicular access including a dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for formation of vehicular access including dropped kerb at 88 The Scotchill in accordance with application reference no. PL/2023/0000613/HHA dated 3 May 2023 subject to the following conditions:
 - i) The development hereby permitted shall begin not later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the approved plan ref: TQRQM23109161131571 Block Plan.

Procedural Matter

2. 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

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

Reasons

4. The appeal property is a two storey bow fronted mid terrace house within this street of similar late 19th century/early 20th century properties. Where once was presumably a front garden, the property, like many others on the street, have sought to pave over this frontage in order to allow the parking of cars. I saw on my site visit that there was a dirt road access to a potential parking area at the rear of the property but this was very narrow.

5. The Scotchill is a classified road and it appeared to me to be a busy road on my site visit although traffic movements appeared to be slow due to the parking of vehicles on both sides of the carriageway. In many cases I saw that vehicles were parked upon the pavement and this seemingly obstructed the movement of pedestrians here, especially since bins were left outside causing further obstructions. I also noticed that, due to the openness of the site obviously already being used as car parking, there were no vehicles parked across the opening of the site itself.
6. The proposal before me seeks permission to regularise this driveway through the dropping of an already low kerb outside of the property. In assessing this appeal I give great weight to the needs to manage traffic movements and to balance this against the needs of pedestrian and vehicular safety as required by Policy AC2 of the Coventry Local Plan 2016.
7. As mentioned above, I saw on my site visit the rear parking area that the Council feel could be used for the parking of vehicles. However, this access was created for much smaller vehicles and required a tight turn within a very narrow dirt road that ran to the rear of the appeal site. As such I firstly conclude that this potential of an off street parking space is not useable nor is it practical due to the size of modern vehicles and the small width and tight bends associated with this lane.
8. Ultimately it seems to me that this property already exercises its use of the property frontage as parking and no controls have seemingly sought to restrict the paving over of front gardens to halt this situation. As such there are a plethora of examples where this situation has now occurred along The Scotchill and it is clear that this current use is extant and operating without issue.
9. I have no evidence before me therefore as to any particular conflict that has occurred through the use of these spaces for parking but I did see the clear conflict with pedestrians along the public footway caused by the parking of vehicles half on the footway itself. I am also aware of the evidence supplied by the Appellant with regards Manual for Streets that I consider is relevant in this case.
10. In considering the impact of this proposal upon highway safety I consider that, due to the low speeds along this stretch of road and the low boundary treatments adjacent, that it would be unlikely that visibility splays would enhance the ability of a driver to be able to see traffic. I consider therefore that removing cars from the property road frontage (as already occurs) would enable this cross visibility to be substantially improved and as such wider visibility splays in this particular situation would not likely lead to an improvement in visibility nor safety.
11. Essentially, this use is already well established and the regularisation of this situation through the provision of a dropped kerb would, I consider, be unlikely to cause any significantly greater risk to highway safety than that which already exists. As such, I consider that the proposed dropping of this kerb would conform to Policy AC2 of the Coventry Local Plan.

Conclusion

12. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions above.

A Graham

INSPECTOR