
Appeal Decision

Site visit made on 22 November 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th December 2023

Appeal Ref: APP/U4610/D/23/3329549

268 Allesley Old Road, Coventry CV5 8GH

- 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 Faisal Ali against the decision of Coventry City Council.
 - The application Ref PL/2023/0001606/HHA, dated 2 August 2023, was refused by notice dated 14 September 2023.
 - The development proposed is for drop kerb to allow vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for a drop kerb to allow vehicle access at 268 Allesley Old Road, Coventry CV5 8GH in accordance with the terms of the application, Ref PL/2023/0001606/HHA, dated 2 August 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan Ref TQRQM23216153941754; Site/Block Plan Ref TQRQM23214130016028; and Location Plan Planning Portal Ref PP-12360197v1.

Preliminary Matters

2. The Council has stated in the decision notice and in some parts of its officer's delegated report that the Coventry Local Plan was adopted in 2016, yet the evidence provided, including the front cover of the local plan, shows it was adopted in December 2017. I have had regard to the adopted Coventry Local Plan (2017) in reaching my decision.

Main Issue

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

Reasons

4. The appeal property, 268 Allesley Old Road (No 268) is a mid-terraced dwelling set back from the road with on-plot hardstanding in front, which appears to have been recently constructed. In front of No 268, between it and the road, there is a footpath of approximately 1/1.5 metres width, then a strip of grass verge. The grass verge area has no features within it directly in front of No 268, although it is interspersed with lampposts and large trees continuing along the road. There are no on-street parking restrictions along this part of

Allesley Old Road and there was a significant amount of on street parking along the road.

5. Allesley Old Road has a 30mph speed limit and is a classified road on a bus route. At the time of my visit (approximately 9.30am on a weekday) I noted that whilst the road is fairly busy, there was not a constant stream of traffic and traffic appeared to travel at or below the speed limit.
6. Whilst most dwellings in this part of Allesley Old Road are terraced and have garages at the rear, which are accessed via shared driveways situated between the terraced blocks, it does not appear the garages are generally being used to park vehicles. Also, due to the width of the access driveway there seemed to be limited manoeuvring space, to allow ease of access to these rear garages. However, a number of properties nearby in this part of Allesley Old Road have existing frontage parking areas, some with and some without dropped kerbs. Examples of existing dropped kerbs nearby include at Nos 237, 262, 276, 280, 306, 310 and 316 Allesley Old Road. None of these properties have on-site turning space to allow vehicles to leave in forward gear and the dropped kerb and driveways are of similar design to that proposed at No 268.
7. No 268 has an open frontage, yet the neighbouring properties to either side have front boundary walls up to a height of approximately 600mm. There is an end wall pillar rising to approx. 1.2m between 268 and 270 Allesley Old Road and an approx. 1m high close boarded fence along the side boundary between No 268 and 266, which extends up to the front boundary wall of No 266. These boundary features would restrict pedestrian visibility to drivers reversing off the driveway and so the required 2m by 2m pedestrian visibility splay would not be achieved. Although, I observed that this relationship and boundary treatment arrangement is very similar to that found in respect of the driveway and dropped kerb in front of 262 Allesley Old Road. Therefore, it is not clear why such an arrangement proposed at the appeal property would differ and be more harmful to highway safety than that found at No 262 or elsewhere along the road.
8. Also, at No 280 Allesley Old Road, the existing dropped kerb is in a location where visibility appears to be much more restricted than that proposed at No 268. This is due to the existence of a bus stop and bend in the road close to No 280. The proposed dropped kerb, therefore, in my opinion, would be less harmful to highway safety than this example nearby.
9. Due to the existence of parked cars along the road and other features within the highway verge and footway, including trees and lampposts, it is unlikely that drivers would not take care in reversing off the driveway. Also, due to the existence of parked cars and other features in the highway verge, together with the 30mph speed limit, I consider other highway users are likely to be mindful of potential conflicts and have greater awareness when driving or walking along this part of Allesley Road.
10. Whilst I acknowledge the concerns of the local highway authority and Council, I have no substantive evidence to show that reversing vehicles would cause a significant increase in conflict with road users, even taking into account the limited pedestrian visibility splay. Additionally, whilst the proposal would introduce a further crossing point, I do not agree with the highway authority that this necessarily equates to an additional point of conflict such that it would fail to accord with the National Planning Policy Framework (the Framework),

which seeks to prevent development on highway grounds where an unacceptable impact on highway safety would occur, or where the residual cumulative impacts on the road network would be severe.

11. Having regard to the above, the proposed development would not cause harm to highway safety and there would be no conflict with, in particular, Policy AC2 of the Coventry Local Plan (2017) (CLP), which sets out new development should ensure it does not cause unacceptable highway problems. Also, there would be no conflict with Policy AC4 of the CLP which, amongst other matters, requires development to incorporate safe and convenient access to walking routes.

Other Matters

12. Whilst I acknowledge the proposal would involve the removal of one available on-street parking space to accommodate the dropped kerb, there would be enough space for two parking spaces on the driveway of the appeal property. This would result in a net gain of parking provision in the area and consequently reduce the need for on-street parking. I also acknowledge that the proposal may affect the ability to install on-street EV charging along the highway in the future. However, I have no substantive evidence to show this would be harmful or conflict with the development plan. Additionally, there would remain opportunities elsewhere along the road to provide EV charging points. I therefore provide limited weight to these matters.

Conditions

13. The Council has not suggested any conditions that they feel would be necessary if the appeal were to succeed. However, in light of the advice contained within the national Planning Practice Guidance and the Framework, in addition to the standard implementation condition, it is necessary for the avoidance of doubt and in the interests of certainty to define the plans with which the scheme should accord.

Conclusion

14. In view of the above, I have found there would be no conflict with the development plan as a whole, nor any conflict with the Framework. Accordingly, I conclude that the appeal should succeed and grant planning permission.

C Billings

INSPECTOR