



Appeal Decision

Site visit made on 15 January 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal Ref: APP/R2330/W/23/3327774

2 Woodside Close, Accrington, Lancashire BB5 6NZ

- 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 David Dudley against the decision of Hyndburn Borough Council.
 - The application Ref 11/22/0459, dated 17 October 2022, was refused by notice dated 21 July 2023.
 - The development proposed is the change of use of land to create land for use for car parking, including lowering of the kerb.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the decision notice issued by the Council. I have used it in preference to the wording on the planning application as it provides a more concise description of the proposal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - Trees within (and adjoining) the appeal site; and
 - Highway safety.

Reasons

Character and appearance

4. Woodside Close is a development of eight modern dwellings arranged around a cul-de-sac. It sits at the western end of Woodside Road, in a residential area with houses and bungalows of various styles which appear to date from much of the second half of the 20th century. The appellant lives at No 2 Woodside Close, and owns an adjoining piece of land east of No 2 on the north side of the entrance to the cul-de-sac from Woodside Road (though it is not part of the domestic garden). This "side plot" has various mature and semi-mature trees and a watercourse which emerges from a culvert under Woodside Close.
5. The appeal site is an area at the front of the side plot measuring approximately 5m by 5m, and which includes part of the grassed highway verge (although in fact the shape and size of the parcel appears inconsistently in the various

- submitted drawings). The appellant wishes to use the land to provide parking space for up to two vehicles.
6. The appellant describes the appeal site and the wider side plot as “spare land”, “a wasteland” and “full of weeds”. However, I saw on my site visit that its trees provide an interesting and characterful visual break in a street dominated by suburban-style housing, and the timber fence and grass verge at the front of the site are of a neat and orderly appearance. Overall, I consider that the appeal site and the rest of the side plot make a positive contribution to the character and appearance of the area.
 7. The proposed development would involve the loss of some of the grass verge at the side of the carriageway, and at least part of the timber slatted fence separating the side plot from the street. While this might perhaps result in the appeal site becoming more like the driveways of the houses on Woodside Close and Woodside Road on either side, this in my view would amount to a harmful loss of what at the moment is its quite distinctive character and appearance; it would be less verdant and more domesticated.
 8. I saw on my site visit that the watercourse within the side plot is at a significantly lower level than the highway, so the land drops away quite steeply to the north of this part of Woodside Close, including across the depth of the appeal site. The submitted drawings did not include any details either of whether any works would be carried out to change levels within the site, or what materials might be used for finished surfaces or landscaping. In the absence of such information, the proposal carries the risk of even further harm being caused to the character and appearance of the area.
 9. I conclude that, because of its harmful effect on the character and appearance of the area, the proposed development would therefore conflict with Policy ENV6 of the 2012 Hyndburn Core Strategy (“the HCS”) and Policy DM26 of the 2018 Development Management DPD (“the DMDPD”). Together, and among other things, these policies seek to ensure that development demonstrates high quality design, responds to and reinforces locally distinctive patterns of development, and complements the character of the local townscape.

Trees

10. The drawings submitted with the application describe the proposed parking spaces as extending “up to the tree line” within the site. Neither the submitted drawing nor my observations on site, however, were able to provide certainty that this would in fact be the case. The changing land levels which I have described in the previous section mean that some form of retaining structure or earthwork is likely to be needed to provide a level, or at least more level, parking area. The lack of detail provided means that, although the appellant may well not intend to harm or destroy any trees, I cannot be certain that the development would not have a harmful impact in this respect.
11. I also note the Highway Authority’s advice to the planning application consultation, that the parking spaces should be set back from the edge of the existing grass verge, rather than from the edge of the carriageway as appears to be proposed. Following this advice would mean pushing the parking area further into the side plot (and as it would go beyond the extent of the red line boundary of the appeal site it is not a measure which could be secured by

condition if the proposal were otherwise acceptable). This would be likely to further increase the potential for trees to be harmed or destroyed.

12. I therefore conclude that the proposal would be likely to have a harmful effect on trees within and adjoining the site, and as such it would conflict with Policy ENV1 of the HCS and Policy DM17 of the DMDPD. Together, and among other things, these policies seek to protect areas of green infrastructure (such as watercourses and areas of woodlands), and to avoid the loss of (and minimise the risk of harm to) existing trees and woodlands.

Highway safety

13. As I have alluded to in paragraph 11, the proposed parking spaces would be directly at, rather than set back from, the edge of the carriageway. I note that the Highway Authority considers that this arrangement would not be safe, and that the spaces would need to be set further back. However, I saw on my site visit that Woodside Close has a shared surface rather than separate carriageways and footways, so that the dwellings' driveways effectively open straight onto the road¹. The reasons why either the Council or Highway Authority consider that a similar arrangement would be unsafe in this case have not been explained, nor have I been directed towards any further guidance (such as a supplementary planning document) which might provide further detail of their standards for off-street parking spaces.
14. Given the very small numbers of vehicle movements which would take place into and out of the proposed development, as well as the limited traffic which would be likely to be found on Woodside Close itself, I do not consider that the development would have a significant adverse effect on highway safety. There would therefore be no conflict with Policy DM32 of the DMDPD, which among other things seeks to ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety.

Other Matters

15. The appellant has suggested that the proposed development would reduce the amount of cars parked on this street and prevent double parking or other access issues on Woodside Close. While Woodside Close itself is narrow, at the time of my site visit I saw that there were plenty of safe and convenient on-street parking spaces available on Woodside Road. I acknowledge that what I saw was only a snapshot during a weekday afternoon (and therefore at a time when many local residents may have been away from home for work or other purposes), but the area did not appear to me to be one with a high level of parking stress, nor therefore a location where the provision of additional off-street spaces might be a benefit of some significant weight.
16. The appellant has suggested that he could "take the fence down now and park my car on the land in [its] present condition". However, no further explanation or justification for this argument has been provided; while the matter is not certain, it is not something for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It would be open to the appellant to apply to have the matter determined under sections

¹ Woodside Road has driveways accessed across the footways, so it is not exactly the same.

191 or 192 of the Act, and any such application would be unaffected by my determination of this appeal.

Planning Balance and Conclusion

17. I have found that the proposed development would not have a significant adverse effect on highway safety. This is a neutral factor in the overall balance. However, the development would be harmful to the character and appearance of the area, and would be likely to have an adverse effect on trees. These are matters which carry considerable weight, and would outweigh any benefits which might be associated with the scheme. The proposal would conflict with the development plan taken as a whole, and there are no other considerations, including the Framework, that outweigh this conflict.
18. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector