



Appeal Decision

Site visit made on 29 January 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/F0114/W/23/3326056

124 Old Fosse Road, Odd Down, Bath BA2 2ST

- 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 Terry McDermott against the decision of Bath and North East Somerset Council.
 - The application Ref 23/00714/FUL, dated 20 February 2023, was refused by notice dated 25 April 2023.
 - The development proposed is described as drop the kerb at the front of the property and convert part of the vegetation space to a pavement surface. It is proposed to add a new Electric Vehicle Parking Space at the front of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

3. The main issue is the effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

4. The appeal site comprises a mid-terrace dwelling located within a residential area. The property is set back from the highway with a gravel forecourt to front and benefits from a forward extension which reduces the size and usability of the forecourt. At the time of my site visit I observed a regular flow of traffic along the road and high levels of on street parking including in front of the dwelling.
5. The Council's Transport and Development Supplementary Planning Document (SPD) sets out minimum dimensions for parking bays. The SPD indicates minimum dimensions of 2.5m x 5.5m for standalone or perpendicular bays when the end of the vehicle abuts a wall and dimensions of 2.5m x 6m for parallel parking bays. The proposals would not comply with the minimum dimensions specified in the SPD.
6. Taking into account the limited depth of the driveway and the position of the perpendicular parking bay it is likely that a vehicle would overhang the

- pavement resulting in conditions that would prejudice the movement of pedestrians along the footway.
7. In terms of the parallel parking space the presence of the forward extension would hinder vehicle movements requiring irregular manoeuvres to enter and exit the space. In my view, this arrangement would be contrived and combined with the limited size of the forecourt would render the space inaccessible and unusable. This would likely lead to indiscriminate and inconsiderate parking taking place on the pavement resulting in a significant adverse effect on the safe and efficient operation of the highway network.
 8. Moreover, either arrangement would require vehicles to either enter the site in forward gear and reverse out on to the road or manoeuvre within the road to reverse into the driveway. Reversing onto the highway where visibility is restricted due to parked cars would increase the likelihood for collisions with oncoming vehicles. The proposed footway crossing would result in manoeuvres on a reasonably busy road thereby increasing the potential for conflict with both vehicles and pedestrians resulting in an unacceptable impact on highway safety.
 9. My attention has been drawn to minimum dimensions for car parking spaces in other local authority areas. However, it is incumbent upon me to consider the merits of the proposed development in the context of the adopted development plan in this case the Bath and North East Somerset Local Plan (2023) (LP) and the SPD. As such, I give the references referred to by the appellant negligible weight in coming to my decision.
 10. I note the examples of existing footway crossings provided by the appellant. However, I am not aware of the individual circumstances that led to them being carried out, in any event every appeal must be considered on its own merits. The presence of other footway crossings in the area does not outweigh the harm that I have identified in relation to highway safety.
 11. The potential for electrical charging cables extending across the pavement is not justification for a scheme that I have found to be harmful. A condition or legal agreement restricting the size of the car allowed would not be reasonable nor enforceable. Therefore, I give these aspects of the appellants case very limited weight.
 12. As such, I find that the proposal would be contrary to LP Policy ST7 which, amongst other things, requires new accesses to be safe and suitable and developments not to prejudice highway safety.

Conclusion

13. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR