



Appeal Decision

Site visit made on 19 February 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28.02.2024

Appeal Ref: APP/N1160/D/23/3335997

599 Budshead Road, Plymouth, PL5 4DN

- 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 Paul Heeley against the decision of Plymouth City Council.
 - The application Ref 23/01147/FUL, dated 7 August 2023, was refused by notice dated 20 October 2023.
 - The development proposed is described as proposed driveway formation and dropped kerb at the front of the property.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2019 has been replaced. Within the current National Planning Policy Framework December 2023 (Framework) paragraph 108 of the Framework 2019 has been renumbered 114, although its content is unchanged. For the avoidance of doubt, I confirm that in this decision I have referred to the current Framework.

Main Issue

3. The main issue is the effect of the proposal on highway safety, the availability of on-street parking spaces and convenience.

Reasons

4. The Appeal site is situated within an established residential area that is characterised by two storey semi-detached and terraced family houses, set back from the highway behind various sized gardens. The land rises to the south and as-a-consequence, the houses on the north side of the road occupy an elevated position, whilst those on the south side of the road, including the appeal property, sit below the level of the highway. A number of dwellings within Budshead Road have vehicular crossovers and on-site parking spaces, although very few have on-site turning facilities.
5. Budshead Road is a busy classified local distributor road which is subject to a 30mph speed limit. Within the highway there are grass verges to the front and rear of the pavements. On street parking is prohibited other than within a number of on-street parking lay-bys, one of which projects across the frontage of the appeal property. At the time of the appeal site visit there were

- numerous unoccupied on-street parking spaces, although the demand for on-street parking would be higher during the evenings and at weekends when residents are at home.
6. Amongst other things policy DEV29 of the Plymouth & Southwest Devon Joint Local Plan 2016 (JLP), states that development will be required to positively contribute to the achievement of a high quality, effective and safe transport system. It should provide safe and satisfactory traffic movement and vehicular access to and within the site. It should also ensure sufficient provision and management of car parking, to protect surrounding residential areas and ensure the safety of the highway network.
 7. Collectively paragraphs 13.66, 13.70 & 13.72 of the Plymouth & Southwest Devon Joint Local Plan Supplementary Planning Document 2020 (SPD), similarly advise that the safety of pedestrians, cycles and vehicles is paramount and the provision of off-road parking should not reduce highway safety. Crossovers onto classified roads should provide space within the site for vehicles to turn so that they can enter and exit the site in forward gear. Also, proposals should not result in a substantial loss of on-street parking spaces where there is a limited supply.
 8. Paragraph 114 of the Framework, states that proposals should ensure that safe and suitable access to the site can be achieved for all users and that any significant impacts on highway safety can be effectively mitigated to an acceptable degree. The design of parking areas should reflect current national guidance and appropriate opportunities to promote sustainable transport are supported. Paragraph 115 of the Framework states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
 9. Section M3 of the National Design Guide (NDG) encourages well designed conveniently located parking, including the avoidance of on-streets parking to avoid congested streets. Well-designed parking is attractive, well landscaped and sensitively integrated and electric charging points should be considered. The JLP Supplementary Planning Document advises that the highway authority has a duty to maintain the safety and functionality of the roads and that development has an acceptable impact on the highway network. It includes parking standards for new housing developments which seek to avoid adverse impacts such as excessive on-site or illegal parking, to protect the amenity of an area and to ensure the safety of the highway network. It does not address established residential areas that are reliant on at least some on-street parking.
 10. A significant number of dwellings within Budshead Road have vehicular crossovers and on-site parking spaces, although few have on-site turning facilities. The parking spaces on the north side of the road occupy an elevated position and access to them is across a footpath with verges on either side. This provides a good level of visibility both from the parking areas and from vehicles approaching along Budshead Road. Notwithstanding this the cars parked within the lay-bays to the sides of the crossovers, do restrict visibility in close proximity to the highway, which has a negative impact on highway safety.

11. The on-site parking spaces on the south side of the road are either at the same level as the highway or lower and some of the gardens are enclosed by walls and hedges. This restricts vehicular and/or pedestrian visibility from and of the parking areas. Most of the crossovers are located in areas where there are no lay-bys and where on-street parking is fully restricted. As a result, visibility from and towards most of the crossovers is reasonable. The exception to this is where crossovers sit at road level or below and have cars parked on either side of the crossovers. In such instances I found that visibility from and towards the crossovers was poor, irrespective of whether a vehicle was being driven in forward gear or reversed.
12. The proposed on-site parking space would be some 5.2 metres deep and in excess of 6 metres wide. Although the existing walls along the sides of the proposed parking area would be retained, the front boundary wall would be removed. This would ensure that when parked within the centre of the proposed parking bay pedestrian visibility splays would not be obscured by the side boundary walls. Also, it would be possible to see traffic approaching from the east and west along the pavement.
13. The three metre wide central crossover would be located at the eastern end of a lay-by and adjacent to the footway and inner grass verge. Whilst a short area of lay-by would be retained to the east of the crossover it would be too small in-itself for the parking of a car. However, together with the short stretch of verge immediately to the west it would be of sufficient size for the parking of a car. From my site visit it appears that this verge is currently used as an extension of the lay-by, as there is no physical barrier to prevent parking. The lay-by continues immediately to the west of the proposed crossover.
14. For this reason, given the obvious demand for on-street parking within the lay-by, including the adjoining verge together with the narrow width of the proposed crossover, the proposal would result in unacceptably poor visibility from and towards the proposed crossover. In particular, drivers reversing onto Budshead Road would be largely reliant on approaching road users observing the manoeuvre. This highway safety concern would be exacerbated by the existence of lay-bys on both sides of this stretch of Budshead Road, as they create a number of highway concerns for drivers.
15. The appellant has stated that whilst the parking space does not comply with the dimensions for the provision of on-site turning, as set out in the Devon Highways Design Guide and the JLP SPD, the space provided would enable vehicles to turn on-site so that they could enter and leave the site in forward motion. No swept paths have been submitted to demonstrate that this would be possible.
16. Having regard to the width and central position of the proposed crossover, together with the size of the proposed parking area, it would be likely that the verge to the front of the parking area and the adjacent pavement would need to be used in any such manoeuvre. This would cause damage to the verge and pose highway safety issues for users of the pavement. Also, when parked horizontal to the pavement, pedestrian visibility from the vehicle could well be compromised. This adds to my concerns regarding highway safety. Similarly, the use of the parking area for the parking of two or three vehicles would involve crossing the pavement and grass verge, potentially causing damage

and reducing pedestrian visibility. I note that there are no barriers proposed to prevent the above from happening.

17. These highway safety concerns would materially outweigh the benefits for the appellant of having conveniently located on-site parking and access to an electric vehicle charging point. Further, they are not matters that could be adequately dealt with by condition as they would entail material changes to the proposal.
18. Without full dimensions of the existing lay-by it is not possible to assess whether the proposal would result in the loss of one or two on-street parking spaces. Irrespective of this, the loss would be very modest and the proposal would result in the provision of one on-site parking space for a local resident. As such the loss of on-street parking resulting from the proposal would not have a material impact on the availability of on-street parking spaces along Budshead Road. The loss would not be substantial and would not amount to a reason for dismissing this appeal. This does not however outweigh the highway safety concerns set out above, which do amount to a compelling reason for dismissing this appeal.
19. I conclude that the proposal would have an unacceptably impact on highway safety. Accordingly, it would conflict with JLP Policy DEV29, the SPD and paragraphs 114 & 115 of the Framework.

Elizabeth Lawrence

INSPECTOR