



Appeal Decision

Site visit made on 22 January 2024

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/K3415/W/23/3329948

Land adjacent 2 Blythe View, Lichfield Road, Hamstall Ridware, Rugeley WS15 3QG

- 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 S Toomes against the decision of Lichfield District Council.
 - The application Ref 22/01044/FUL, dated 9 July 2022, was refused by notice dated 5 April 2023.
 - The development proposed is erection of detached 4 bed dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. During the course of the appeal the appellant submitted a Unilateral Undertaking securing a financial mitigation payment in accordance with the Cannock Chase Special Area of Conservation Strategic Access Management and Monitoring Measures which have been agreed with Natural England. The Council is satisfied that it addresses the first reason for refusal. I agree.
3. The main issue is consequently the effect of the proposal on highway safety.

Reasons

4. The appeal site is the side garden of No 2 Blythe View, located on elevated land relative to the highway. The appellant has removed some of the existing front boundary wall of the garden and vehicle parking has been provided. The site fronts onto Lichfield Road which is subject to a 30mph speed limit.

Parking Spaces

5. The proposed car parking bays would be wider than that required by the Council in their Sustainable Design Supplementary Planning Document (SPD) and in Manual for Streets. However, when factoring in the hard boundaries of the walls and steps adjacent to the proposed parking I share the Council's view that in practical terms there would be insufficient space to allow car doors to be opened on both sides. The Council's SPD requires an adequate clear zone around the vehicle. Whilst the size of the space may be adequate for a small car, the type of car owned by the occupants of the property cannot be guaranteed. The proposed car parking provision would increase pressure to park in the road causing a risk to highway safety.

Visibility Splays

6. After undertaking a speed survey the appellant has demonstrated that visibility splays could be reduced. This has not been disputed by the Highways Authority and I have no reason to disagree. However, even with the reduced requirements it has not been demonstrated that the revised visibility splays can be achieved as a consequence of a neighbours hedge. The development would therefore pose a risk to highway safety, even if traffic volumes are light.
7. The development would pose a risk to highway safety as a result of the proposed parking spaces provided and a failure to demonstrate that adequate visibility splays could be achieved. The development would therefore conflict with Policies CP5, ST1 and ST2 of the Lichfield Local Plan Strategy 2015. Amongst other things, these policies require new development to make appropriate provision for off street parking and ensure highway safety.

Other Matters

8. The appellant has made reference to the fallback position of the driveway that has been installed at the property. The parking that currently exists at the site is not the same as that proposed and it has not been adequately demonstrated that the existing development falls within permitted development rights. This limits the weight I attach to it. Even if the driveway was permitted development there is little before me to demonstrate that what is proposed would be a betterment over the fallback position.
9. Reference has been made to a similar drive that has been constructed at No 8 Blythe View. I do not know the circumstances in which it was constructed or whether it has been undertaken lawfully. Similarly, the Council has identified that the driveway the appellant has referred to at No 2 Blythe View has not been installed in accordance with plans that were permitted. The scheme is also different to the one before me. For the reasons identified I give limited weight to the examples cited by the appellant. In any event, each case is determined on its own merits and my assessment is based on the information before me.

Conclusion

10. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR