



Appeal Decision

Site visit made on 22 February 2024

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/Y2003/D/23/3333436

282 Queensway, Scunthorpe, North Lincolnshire DN16 2JJ

- 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 Mrs Margaret Cottingham against the decision of North Lincolnshire Council.
 - The application Ref PA/2023/1528, dated 6 September 2023, was refused by notice dated 16 November 2023.
 - The development proposed is described as 'dropped curb'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 20 December 2023, the Government published a revised version of the National Planning Policy Framework (the Framework). In relation to the main issue in this appeal, Government policy has not materially changed, other than a modification to relevant paragraph numbers. For this reason, I have not sought the parties' comments upon it, but neither party has been prejudiced by my having regard to it.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety for vehicles, cyclists and pedestrians.

Reasons

4. The appeal property at 282 Queensway is set back from the road behind a front garden that is hard surfaced in paving and gravel and bounded on all sides by a timber fence. There is a degree of consistency to the properties on this northern side of Queensway. No 282 and its immediate neighbours are predominantly semi-detached houses of a similar age and style and typically with modest gaps between them. They follow a broadly consistent building line with similarly proportioned rectangular shaped front gardens of a reasonably generous depth and lesser width. The appeal proposal would introduce a dropped kerb across the entire frontage of No 282. This would facilitate an off-road parking space on the front garden.
5. Queensway (the A18) is a reasonably wide thoroughfare with a central grass reservation separating the carriageways. In front of the appeal property, the eastbound highway is segregated into three parts. Immediately in front of No 282, adjoining the pavement, is a line of parking bays running parallel to the road. Adjacent to this is a defined cycle path and then a single width highway. An

informal pedestrian crossing point, identified by tactile paving and a small build-out with a 'keep left' bollard, is situated immediately to the east of No 282, providing a route for those on foot to cross the road. Beyond the central reservation, on the westbound carriageway, the road comprises two lanes.

6. On my site visit, which I recognise is a snapshot in time, I saw that Queensway is a relatively busy highway. I observed a moderately consistent flow of traffic in both directions, as well as cyclists using the designated cycle path and a pedestrian crossing close to the appeal property. The parking bays were also well used.
7. I recognise the appellant's contention that there would be a sufficient area to turn a car of any size within the appeal site, so that they could enter and exit the parking space in a forward gear. However, whilst I observed that the front garden area to No 282 would likely be of a sufficient width to park a car, based on the information submitted with the appeal, and in the absence of evidence such as a swept path diagram, I cannot be certain that it would be feasible to turn any car within the space without the need to reverse in or out. Moreover, on my site visit, I saw properties nearby, including Nos 248 and 272 Queensway with similar sized front gardens that were being used as a parking space for one vehicle. From my observations, none of these had enough space to turn a vehicle around within the site so that it could enter or leave in a forward gear.
8. Considering the busy character of Queensway, reversing into the space that would be facilitated by the dropped kerb to No 282 would not afford a safe access. Given the single width eastbound carriageway, this action would compel approaching vehicles behind to wait on the road. Similarly, any vehicle exiting the driveway onto the road would have to do so in reverse gear. In both cases, the vehicle would have to cross the pavement and cycle path. The safety of these manoeuvres would be further impacted by the row of parked cars in front of No 282, which would reduce driver visibility. It would also be compounded by the proximity of the informal pedestrian crossing. The appeal scheme would therefore be detrimental to the free flow of traffic and create an unacceptable risk of conflict between the vehicle and other road users in terms of cyclists on the designated path and pedestrians using the pavement and crossing. It would be hazardous to road users as result.
9. I recognise that other properties nearby have created off-street parking arrangements. However, there are no details before me as to when or whether these have been granted planning permission, or whether they have or have not applied for a dropped kerb. Whilst I appreciate the appellant's frustration that some of these parking areas may have been created without dropping the kerb, it does not justify the harm that would result from the proposed development for pedestrians, cyclists and vehicles on the adjacent highway. In any event, I must determine this appeal based on the evidence before me and on its own merits.
10. Taking all these matters into account, I conclude that the proposal would lead to conflict with pedestrians, cyclists and other vehicles. Consequently, it would have an unacceptable impact upon highway safety, and it would be contrary to Policy T2 of the North Lincolnshire Local Plan (Adopted May 2003). This policy requires, amongst other matters, that all development must be provided with a satisfactory access. It would further conflict with guidance at paragraph 114 of the revised Framework (formerly paragraph 112 as stated on the Council's decision notice), which, in part, seeks to ensure that development provides a safe and suitable access for all users.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

K Mansell

INSPECTOR