

Appeal Decision

Site visit made on 22 March 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024.

Appeal Ref: APP/P1805/D/23/3333510

233 Birmingham Road, Bromsgrove, Worcestershire B61 0EW

- 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 Miss Joy Chant against the decision of Bromsgrove District Council.
 - The application Ref: 23/00518/FUL, dated 2 May 2023, was refused by notice dated 23 June 2023.
 - The development proposed is for a dropped kerb at the front of the property to allow one car to be parked on the land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a material bearing upon the main issue in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issue

3. The main issue is the effect of the proposal upon highway safety.

Reasons

4. The appeal dwelling is part of a line of properties which front onto Birmingham Road, a wide classified road with pavements to either side and with streetlights. The road in the vicinity of the appeal property is relatively straight and with no parking restrictions in the area. On my site visit, I was able to see that there were a few cars parked along it.
5. There are side roads joining the classified road. On my site visit, I was able to note that other properties in the vicinity of the appeal site have dropped crossings to permit vehicle parking in front amenity spaces.

6. The appeal property itself and its immediate neighbouring properties have a brick wall at the back of the pavement along Birmingham Road which currently and mainly permits pedestrian access only.
7. The proposed dropped kerb would allow the appellant to park a car within her front amenity space. However, it would not permit a driver to enter and to leave the classified road in forward gear, therefore requiring a driver to have to either reverse into the parking space or else out of it onto the main road and across the pavement. Such manoeuvring would not be conducive to highway safety for drivers or pedestrians. I find that this type of manoeuvring has the potential to cause conflict between vehicles and pedestrians with possible harmful highway safety impacts.
8. I appreciate that there are other such kerb crossings in the vicinity and the appellant refers to one dating from 2018, though I have no details of it before me. The local planning authority notes that other such crossings are of long standing. They will therefore predate the current planning control policies. In any event, I have determined the appeal upon its individual merits. I have taken into account that a continuing accumulation of such crossings would have an unacceptable impact upon highway safety.
9. Therefore, I conclude that the development would be contrary to policy BDP16 of the Bromsgrove District Plan 2017(BDP) in so far as it requires compliance with the Worcestershire County Council's Transport policies, design guide and car parking standards (2016). The latter's Streetscape Design Guide (2022) aims to provide easy and safe access between highways, car parking areas and dwellings for everyone. It would also fail to accord with chapter 9 of the Framework which advocates that development should be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety.

Conclusion

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

S. Hartley

INSPECTOR