



Appeal Decision

Site visit made on 27 March 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/U1105/D/23/3333553

21 Marpool Hill, Exmouth, Devon EX8 2LJ

- 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 Janette Grant against the decision of East Devon District Council.
 - The application Ref: 23/1822/FUL, dated 21 August 2023, was refused by notice dated 9 October 2023.
 - The development proposed is described as the formation of new access and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of new access and associated development at 21 Marpool Hill, Exmouth, Devon EX8 2LJ in accordance with the terms of the application Ref: 23/1822/FUL, dated 21 August 2023, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref PP-12403744v1 Scale 1:1250@A4; and Proposed Plan Scale 1:50 @ A3.

Procedural Matters

2. It was evident to me during my site visit that the creation of the new access had taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. During the course of the appeal the revised National Planning Policy Framework December 2023 (the Framework) was published. There are no substantive changes relevant to the appeal before me, and therefore the Council, the appellant and other interested parties would not be prejudiced by my consideration of the 2023 version of the Framework.

Main Issue

4. The main issue is the effects of the appeal proposal on highway safety.

Reasons

5. No. 21 is a semi-detached property located partway up Marpool Hill. The appeal proposal relates to the provision of off-street parking to the front of No.21 through the excavation of the front garden area. The submitted plans delineate a parking area of 5.4m in depth from the highway and 5.7m in width at its

- widest point at the site entrance, the parking area reduces in width to its southern side to accommodate existing steps leading up to the front of No.21.
6. Whilst it is not clear from the information presented to me, it is fair to assume that the parking arrangements would be similar to other properties along Marpool Hill, providing for 2 spaces perpendicular to the highway. The size of the parking area would be capable of accommodating 2 cars side by side, but to enable for this to be the case, vehicles would be required to reverse into the site, or reverse out. When there is another car located within the parking area, due to the restrictive width of the space, it is highly likely that a vehicle would take a number of movements to enter into the space, this is due to the width of the space and the angles involved.
 7. However, and whilst acknowledging the above is not ideal, during my site visit I noted numerous other examples of similar parking areas to the front of properties on either side of Marpool Hill in close proximity to No. 21 which do not have on site turning provision and have restrictive widths for manoeuvrability. Whilst I accept these existing vehicular accesses maybe historic or do not have planning permission, I have not been provided with any evidence to suggest the existing arrangements have been prejudicial to highway safety.
 8. Therefore, it seems to me that in this context, highway users are likely to be relatively alert to the potential for vehicles to undertake turning and reversing movements in the immediate surroundings to No. 21, which is located on a straight section of Marpool Hill with advanced visibility. As a result, I am satisfied that the net increase in similar movements arising from the appeal proposal, relative to what exists already, would have an insignificant effect upon highway safety.
 9. Consequently, I find no conflict with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 – 2031 which explains, amongst other matters, that development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. Moreover, I also find no conflict with Section 9 of the Framework, which amongst other matters, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

10. A time commencement condition is unnecessary in this case as the application is for retrospective permission. However, I have attached a condition requiring accordance with the approved plans for the avoidance of doubt and to provide certainty.

Conclusions

11. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans INSPECTOR