



Appeal Decision

Site visit made on 16 April 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/W0340/D/23/3328912

4 Northfield Road, Thatcham RG18 3ET

- 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 and Mrs Dane and Katie Pullen against the decision of West Berkshire Council.
 - The application Ref 23/00934/HOUSE, dated 20 April 2023, was refused by notice dated 29 June 2023.
 - The development proposed is dropped kerb and conversion of existing front garden to a permeable block paved driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the proper functioning and safety of the highway; and
 - surface water flood risk.

Reasons

Highway Safety

3. The appeal relates to a detached dwelling located at the corner of Chapman Walk and Northfield Road. Chapman Walk is a short residential cul-de-sac that does not restrict on-street parking. Northfield Road is a busy classified road with a 30mph speed limit, pavements located on both sides, and unrestricted on-street parking in the near vicinity of the site. The dwellings on Chapman Road are served by off-street parking within their curtilage and also within communal parking areas. Pavement to Chapman Walk is found along its northern side and on both sides of its junction. Many of the nearby dwellings on Northfield Road have dropped kerb accesses and off-street parking to their front. The junction to Chapman Walk has a dropped kerb access on its southern side but not on its northern side adjacent to 4 Northfield Road.
4. The proposed development would create a dropped kerb and vehicular access across the pavement to enable a car to be parked to the front of no 4, parallel to Northfield Road. The existing front garden to no 4 would be surfaced with a permeable block paving and a new boundary wall 900mm in height would replace the existing.

5. Due to the small size of the proposed parking area, there would not be sufficient space for a car to easily turn within the curtilage. It would not be possible for a car to both enter and exit the proposed driveway in forward gear. This would lead to cars either reversing onto or off the highway and across the pavement. This is not disputed by the appellants. Reversing represents a more difficult manoeuvre than driving in a forwards gear and makes achieving a wide splay of visibility more difficult. On my site visit, I observed that there is on-street parking on Northfield Road opposite the site and that the pavements and road were busy with pedestrians and vehicles respectively. There would be particularly limited visibility of pedestrians approaching the proposed access from Chapman Walk.
6. Undertaking reversing manoeuvres in this context, where vehicles and pedestrians could be approaching from a number of directions, would be a hazard to both pedestrians and road users, and would result in conflicting traffic movements. Inevitably, such conflict would be to the detriment of the free flow of the highway, and to the safety of pedestrians and highway users.
7. I note that the appellant's assert a dropped kerb would help pedestrians pushing buggies and mobility scooter/wheelchair users. Manual for Streets however, advises that the kerbed separation of footway and carriageway provides a number of benefits including, amongst others, offering protection to pedestrians and assisting blind or partially-sighted people in finding their way around.
8. The appellants have also drawn my attention to the number of existing vehicular accesses along Northfield Road, which I viewed during my site visit. Whilst I accept that there are existing accesses and parking spaces that require a car to be reversed across the footway, the majority are not located at a junction. Furthermore, I have no details relating to the circumstances or acceptance of the existing vehicle cross-overs. Although the presence of the other dropped kerbs nearby may appear to set a strong precedent, I must primarily consider the proposal on its own merits. As I have found that the proposal would harm highway safety, the existence of other examples does not lessen that harm.
9. The development would be harmful to the proper functioning and safety of the highway. It would, therefore, conflict with Policy CS13 of the West Berkshire District Core Strategy (2012), and the provisions of the National Planning Policy Framework (the Framework), including paragraph 115. Taken together, amongst other things, these policies require that development improves and promotes opportunities for safe travel and does not result in an unacceptable impact on highway safety.

Surface Water Flood Risk

10. The Environment Agency (EA) Flood Map for Surface Water illustrates where areas could potentially be susceptible to surface water flooding in an extreme rainfall event. The Surface Water Flood Map shows that much of the application site is predicted to be at 'High' risk of surface water flooding, meaning this area has a chance of flooding of greater than 3.3% each year.
11. It is proposed that the new driveway will utilise a sustainable drainage system in the form of permeable pavement construction, allowing surface water to percolate through the surface material down into the sub-base where it is

stored prior to infiltration into the existing ground. The appellant's Flood Risk Assessment advises that the majority of the existing front garden consists of garden borders, with approximately 35% of the area being used as impermeable asphalt paths.

12. Whilst the Council is concerned that the existing upper strata may preclude the use of infiltration devices, the proposal would, nevertheless, increase the total area of the front garden covered by a permeable surface. Final details regarding finished levels could easily be controlled by condition. I am not persuaded, therefore, by the Council's case that the development would increase surface water flood risk. Furthermore, the General Permitted Development Order 2015 (as amended) permits, without express planning permission, the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse provided the hard surface is made of porous materials.
13. The development would not, therefore, result in an increase in surface water flood risk. The Council's refusal reason with regards to flood risk did not include reference to conflict with any development plan policies and I see no reason to disagree.

Conclusion

14. The harms identified in respect of the main highways issue means that the proposal would be contrary to development plan policies when read as a whole. There are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan.
15. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR