

Appeal Decision

Site visit made on 16 May 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.05.2024

Appeal Ref: APP/U4610/D/24/3340002

65 Broad Street, Coventry, CV6 5AX

- 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 Musa Bhayat against the decision of Coventry City Council.
 - The application Ref PL/2024/0000022/HHA, dated 4 January 2024, was refused by notice dated 9 February 2024.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed dropped kerb and consequent off-street parking on highway safety, including pedestrian safety, in the vicinity of the appeal site.

Reasons

3. The appeal site comprises a modest terraced house set on a busy street which is characterised by dwellings on the same side as the appeal site and commercial and industrial premises on the opposite side of the street. There is a convenience store near to the appeal site with limited off-street parking on the frontage. The appeal dwelling has a small front garden some 3.7m wide and 4.5m deep.
 4. Broad Street has parallel parking on both sides. At the time of my site visit, a weekday morning, the street was busy and congested. Parking space was in high demand, leading to parking on the wide footway and double parking. With the exception of the convenience store, few properties had off-street parking.
 5. Owing to the small size of the frontage at the appeal site, manoeuvring a car on and off the site would be awkward. The need to cross the wide footway and avoid parked cars would exacerbate this. Moreover, the depth of the proposed parking area would be inadequate to accommodate many modern vehicles without them overhanging the footway, which would result in a safety hazard to pedestrians. Except at the convenience store, footway crossing by vehicles is
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not a manoeuvre commonly encountered in the vicinity of the appeal site and would therefore be more likely to catch pedestrians unaware.

6. The appellant states that his vehicle is less than 4.5m long and so would fit on the frontage without overhanging the footway. That may be the case but he or any other occupier might park a longer vehicle in the future and so this argument carries little weight. He also cites his personal circumstances as relevant but many families with small children live in dwellings without off-street parking and I am not persuaded that the safety of the appellant's children would be materially compromised by the lack of it.
7. The appellant also suggests that the demand for genuine street parking is exaggerated and that it is the unauthorised parking of vehicles by nearby repair shops that gives rise to the impression of high demand. However, the parked vehicles I saw appeared to be roadworthy and I saw no evidence of parking being limited to permit holders. Furthermore, the proposed development would remove an on-street parking space which would be replaced by an inadequately sized off-street space, thus exacerbating the lack of parking in the area.
8. Finally, the appellant draws my attention to a dropped kerb serving 59 Broad Street which is understood to have been granted a Lawful Development Certificate in 2022. I have no details of this but since Broad Street is a classified road, planning permission for a dropped kerb would normally be required, as the appellant has been informed. In any case, one example of a poor form of development would not justify a proliferation of such development in the area.
9. Overall, I find that the proposed dropped kerb to facilitate off-street parking at the appeal site which has inadequate depth to accommodate many cars would introduce a potential conflict between pedestrians and vehicles. This would amount to a material highway and pedestrian safety hazard in this busy location, which would be contrary to policy set out in the National Planning Policy Framework (NPPF) which expects new site access to be safe and suitable and resists development that would have an unacceptable impact on highway, including pedestrian, safety. No material considerations sufficient to outweigh this have been identified.
10. It is concluded on the main issue that the proposed dropped kerb and consequent off-street parking would have a materially harmful effect on highway, including pedestrian, safety in the vicinity of the appeal site. This would be contrary to Policies AC2 and AC4 of the Coventry Local Plan, 2016, which prioritise safety on the highway network, including safe walking routes, and with the NPPF.
11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR