
Appeal Decision

Site visit made on 23 May 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/C4235/D/24/3340943

98 Cavendish Road, Hazel Grove, Stockport SK7 6JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Arslan Khan against the decision of Stockport Metropolitan Borough Council.
 - The application Ref is DC/090123.
 - The development proposed is described as 'the council has requested that a retrospective planning application is submitted with regards to a fence which has been erected along the properties boundary with Tideswell Road. (Ref: 23/00343/UND). New fence to be concrete base panel 300mm deep with 100x100mm sq. concrete posts at 2metre centres with 1.8 metre high wanly-lap timber infill panel above. Timber gate to side elevation adjacent to the property. The total height of the fence is 1.97 metres at it's highest'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The fence has already been erected and planning permission is sought to regularise the development. However, on visiting the site it was evident that there are discrepancies between the fence in situ and the submitted plans, namely the proposed angled corner. I have made my decision considering the submitted plans.

Main Issue

3. The main issues are whether the proposed development would provide appropriate off-road parking and it's the effect on the safety and operation of the highway.

Reasons

4. The appeal site is located on the junction between Cavendish Road and Tideswell Road. It is understood that the driveway and garage accessible from Tideswell Road, would have provided at least 2 off-road parking spaces. However, as the fence has enclosed the driveway and garage, the occupants of the appeal site no longer have access to any off-road parking.
5. Policy T-2 of the Core Strategy Development Plan Document (CS) requires, amongst other things, development to achieve maximum parking standards. The Council's Extensions and Alterations to Dwellings Supplementary Planning Document (SPD) expands further on the expected parking standards for

- residential properties stating that usually the maximum is 2 spaces but one space convenient to the dwelling, as a general rule, is acceptable.
6. As the proposal constitutes a loss of all off-road parking for the appeal dwelling and does not provide any alternative, it fails to comply with this element of CS Policy T-2.
 7. It is noted the appellant has stated they are seeking to convert the front garden into off-road parking but as there is nothing before me securing such provision and it does not form part of the proposed development, this does not overcome the harm identified.
 8. In relation to highway safety and operations CS Policy T-2 also seeks to avoid inappropriate on-street parking that has a detrimental impact on the safety of the highway. This is further emphasised in CS Policy T-3, which amongst other things, also requires development to not have an adverse impact on the safety and/or capacity of the highway network.
 9. It was observed during my site visit, undertaken in the mid-afternoon on a weekday, that on-road parking was not heavily used. It was also noted that the roads are relatively wide and straight, many properties in the area appear to have access to off-road parking, and there are no parking restrictions on Cavendish Road and Tideswell Road with Cavendish Road limited to a 20mph speed limit. Therefore, with nothing before me to conclude otherwise, an additional 2 cars parking on the road in the vicinity of the appeal site is unlikely to create unacceptable conditions in relation to how the highway functioned, cumulatively or otherwise.
 10. However, it is evident the most convenient on-road parking for the host dwelling would be directly in front on Cavendish Road. Indeed, such parking was observed during the site visit. This location would be very close to the junction with Tideswell Road and therefore could impinge visibility for road users at that junction.
 11. Nevertheless, there is no demarcation preventing parking and there are mechanisms available to the local highway authority, such as the introduction of double yellow lines, to prevent parking where it is considered dangerous. Therefore, even if off-road parking was provided there is nothing preventing on-road parking directly in front of the host dwelling. Consequently, I do not find that the proposal would have an unacceptable impact on highway safety.
 12. Even though the proposal does not have an unacceptable impact on highway function and safety, and thereby complies with that part of CS Policy T-2 and Policy T-3, this does not outweigh the failure to comply with the part of CS Policy T-2 which relates to off-road parking.

Conclusion

13. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR