



Appeal Decision

Site visit made on 25 May 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/W3005/D/24/3338324

71 Station Road, Selston, Nottinghamshire, NG16 6FF

- 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 Andrew Mitchell against the decision of Ashfield District Council.
 - The application Ref: V/2023/0547, dated 20 September 2023, was refused by notice dated 22 November 2023.
 - The development proposed is the construction of a drop kerb and the installation of an electric car charging point.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is located within the Green Belt. However, the Council considers that the proposed development would not have an adverse effect upon the five purposes of the Green Belt or impact upon its openness. In the light of national policy on Green Belts, as set out in the National Planning Policy Framework, and in Policy EV1 of the Ashfield Local Plan Review – (Adopted November 2002) (LP), which follows the policy in the Framework, I concur with that view. On that basis, the main issue in the case is as set out below.

Main Issue

3. The main issue in this case is the effect of the proposed construction of a drop kerb and parking space on highway safety along Station Road.

Reasons

4. No 71 is a small, semi-detached dwelling situated on the western side of Station Road. Station Road is a moderately busy road and a bus route, with limited pedestrian activity and with on-street car parking along the western side. The appeal property has a paved front garden area measuring approximately 5.2 metres wide and 3.6 metres deep. At the time of my visit there was a single length of fence between fence posts at one end of the front boundary of the property. The proposal would involve the removal of the remaining length of boundary fence and the construction of a drop kerb to enable parallel car parking at the front of the dwelling.

5. Saved Policy ST1 of the LP indicates that development will be permitted where it will not adversely affect highway safety. The Nottinghamshire Highways Design Guide 2021 (HDG) indicates that off-street parking space widths should consider the space requirements of the user and ensure clearance space for a wheelie bin or bicycle to pass a vehicle. Moreover, parallel parking immediately at the back of a footway is unlikely to be acceptable due to the potential conflict with pedestrians.
6. Section 9 of the National Planning Policy Framework promotes Sustainable Transport, but there is no conflict between national policy in the Framework and the development plan policy and related guidance referred to above.
7. The appellant contends that there is enough room to manoeuvre a car into the space in front of the house and has provided a video and photographs relating to this. He also contends that visibility splays could be accommodated, and that the provision of an off-street space would reduce on-street parking to the benefit of road users.
8. The appellant's video shows him manoeuvring his car into the space in front of the house. I note, however, that the car is small, and that the manoeuvres are potentially hazardous and require him to use a significant part of the road. Also, such manoeuvres require no car to be parked on the road close to his property boundary. I have significant concerns that it would be very difficult, if not impossible, for a larger car to make such manoeuvres safely, even with the existing length of fence removed. There can, of course, be no guarantees that the appellant or any future occupier of the property would not have a larger car, or that neighbours would not park close to the property boundary, so making manoeuvring potentially even more dangerous.
9. For adequate visibility of pedestrian and vehicle movements off-site, the appellant would need to park the car facing downhill so as to have any ability to see such movements. Whilst this may well be possible when the fence is removed entirely, again it relies on there being no car parked on the road outside close to the property boundary in order for a car to be safely manoeuvred into its space and parked in this direction. It is not clear whether such manoeuvres would enable a car to be parked in a position where there would be both adequate visibility above boundary treatments and also room to enter and exit the vehicle without impinging on the pavement.
10. In conclusion, I find that the limitations of the proposed front parking area would be very likely to result in harmful manoeuvres within the road and across the pavement. Moreover, the ability of any occupier of the appeal property to safely manoeuvre over the drop kerb into and out of the space would be restricted by the size of car and by the need for space on the road beyond the side boundaries of the dwelling. The road is busy and is a bus route, both of which would add to the potential hazards involved in entering and leaving the site in the manner necessary.

Other Matters

11. The appellant contends that bus routes in the vicinity are inconvenient, and that he needs to use a car. Nevertheless, it would appear that there is a regular service between Mansfield and Ripley, with stops at settlements in between. He also contends that the proposal would enable him to provide an electric car charging point for use at the front of the property. However, this

would not directly impact on the safety issues relating to the use of the proposed car space as outlined in paragraphs 8 and 9 above.

12. I accept that there would appear to be sufficient space in front of the house for a small car to be stationed and for its doors to be opened without obstructing the pavement. However, a car larger than that shown on the video would not necessarily leave enough space for bins or cycles to be taken past for storage at the property.
13. The appellant points to potential benefits of the provision of off-street parking to the free flow of traffic along the road, particularly given evidence of some damage to his car when parked on the road. I acknowledge that there could be potential benefits, but the existence of car parking along the rest of the road, along with the potential for additional on-street car parking associated with the appeal property immediately outside of the house, means that any such benefits would be limited and unpredictable, and would not outweigh the harm to highway safety as outlined above.
14. Finally, the appellant has also referred to other properties along the road where cars can be parked off the road, including the church building a little to the north and Nos 57-59 a little to the south. I have no details as to when or on what basis these parking facilities were created. In any case, from my own visit to the area, I note that these relate to situations where there are driveways to the side of the properties and they are extremely limited in number. Moreover, I have determined the appeal on the basis of the particular site-specific circumstances of the case before me.

Conclusion

15. I find that the proposal would be harmful to highway safety along Station Road, and that it would conflict with Policy ST1 of the LP and with the HPG, which although a guidance document, covers important matters that are relevant to this appeal, and is consistent with the NPPF.
16. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, but the risks caused by the proposed off street parking and drop kerb outweigh any benefits in terms of eliminating discrimination against persons with the protected characteristics of age, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

J D Westbrook

INSPECTOR