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## Appeal Decision

Site visit made on 16 August 2024

**by J D Westbrook BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2024**

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**Appeal Ref: APP/U4610/D/24/3345285**

**123 Sewall Highway, Coventry, CV2 3NG**

- 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 Mrs Sandra Hurren against the decision of Coventry City Council.
  - The application Ref is PL/2024/0000543/HHA.
  - The development proposed is described as the construction of a new vehicular access to crossover the existing highway verge and pedestrian footway with the installation of dropped kerb.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new vehicular access to crossover the existing highway verge and pedestrian footway with the installation of dropped kerb at 123 Sewall Highway, Coventry, CV2 3NG in accordance with the terms of the application, Ref PL/2024/0000543/HHA, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan Ref: TQRQM24080125811347.
  - 3) The hedge shown on the Site Plan shall be reduced in height to 0.9 metres before the dropped kerb is brought into use. The hedge or any subsequent boundary treatment shall be retained at a height of no more than 0.9 metres thereafter.

### Main Issue

2. The main issue in this case is the effect of the proposed development on highway safety along Sewall Highway.

### Reasons

3. No 123 is an end-terrace house located on Sewall Highway. The property currently has a hard landscaped driveway. There is a soft surface shared side access between Nos 123 and 125 to which a dropped kerb already exists. The front garden has a side-boundary hedge with No 121 to the south-east. The area to the front of the houses on this part of the Highway consists of a

- pedestrian pavement immediately outside of the property, followed by a grassed strip and then a hard-surfaced area beside the highway. The hard-surfaced area is currently used extensively for vehicle parking and this situation would appear to be accepted by the Council.
4. Policy AC2 of the Coventry City Council Local Plan, adopted in December 2017, indicates that new development proposals which could have a negative impact on the safety of the highway network should mitigate and manage any traffic growth to ensure that they do not cause unacceptable levels of highway safety problems. Paragraph 115 of the National Planning Policy Framework (NPPF) indicates that development should only be 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. I consider that Policy AC2 is consistent with policy in the NPPF.
  5. In this case, the Highway Authority has expressed concern regarding the impact of existing parking along the road on visibility; the effect of the boundary hedge on pedestrian visibility splays; the impact of a tree close to the shared side access; and potential increased run-off across the pavement into the road.
  6. There are very few dropped kerbs along this section of Sewall Highway. In those that were apparent, cars appeared to have been reversed into the parking space at the property. There would be no difference with the proposed situation at the appeal site. However, parallel parking on the hard-surfaced area beside the highway is prevalent and already requires vehicles to manoeuvre off the road into available space. I do not consider that the proposed drop-kerb would result in any additional manoeuvring or render visibility at the highway edge any worse than is currently the case.
  7. The application form notes that the hedge boundary would be restricted to a height of 0.9 metres, and this can be controlled by condition, as noted by the Council. The application form also shows a drainage channel at the front boundary of the property which would ease run-off issues. Finally, the nearby tree is situated within the grassed strip outside No 125, in the middle of the pavement area, and it would not interfere with visibility along that part of the pavement used by pedestrians, nor would it affect visibility along the road for any vehicle approaching the highway across the pavement area.
  8. The Council has expressed concern that the proposed dropped-kerb access would be close to a roundabout on Sewall Highway. However, it would appear to be around 50 metres from the exit of the roundabout and is unlikely to be harmful to the traffic flow at that distance. The Highway Authority has not identified this issue as a concern.
  9. Finally, the appellant has noted other examples of dropped-kerb proposals that have been approved by the Council, including proposals at No 115, which is closer to the roundabout, in 2021; No 139 in 2017; Nos 163 and 165 in 2021; and No 236 in 2022. In each case, it would appear that the Council has consistently considered there to be no significant harm to highway safety. Whilst each proposal must be considered on its own individual merits, I find that there is very little difference in practice between these earlier cases and that of the current proposal, and that there would be little, if any, harm to highway safety caused by the scheme at No 123.

### **Conditions**

10. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to boundary treatment in the interests of clarity and to protect the safety of pedestrians using the pavement along this part of Sewall Highway.

### **Conclusion**

11. I find that the proposed dropped kerb and access would not be harmful to highway safety along Sewall Highway and would not conflict with Policy AC2 of the LP or with national policy contained in the NPPF. Accordingly, I allow the appeal, subject to the conditions above.

*J D Westbrook*

INSPECTOR