



Appeal Decision

Site visit made on 23 September 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2024

Appeal Ref: APP/E2001/D/24/3346501

12 Birch Place, Brough, East Riding of Yorkshire, HU15 1TT

- 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 Shankar Paranjothi against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00077/PLF.
 - The development proposed is described as 'block paving to service strip adjacent to the house'.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development would result in vehicles parking on the highway and its effect on highway safety, movement and use.
3. The appeal site comprises a four bedroom detached house located within a modern residential development of similar properties. There is no footway in the cul-de-sac and the block paved carriageway provides a shared surface for drivers, pedestrians and other road users. Most of the dwellings have parking for at least two vehicles on drives to one side with garages set back from the front elevation whilst a smaller number have parking within the frontage of their plot. There are service margins around the carriageway which are predominantly grassed although smaller areas of block paving provide access to drives and garages. Those service margins, both grassed and block paved, form part of the adoptable highway (although I have noted that at the time of the Council's decision the road had not yet been adopted).
4. The dwelling is sited at and faces the head of the cul-de-sac. It has a detached, single garage and drive to the far side that is accessed by driving at an angle over an area of block paving that forms part of the service margin. The area immediately in front of the dwelling has a block paved surface that is outside of the service margin and was carried out as permitted development. Between that and the carriageway is a grassed service margin that turns the corner and continues across the side of the appeal site and across the front of the plot at 10 Birch Place.
5. At the time of my visit during the middle of the afternoon on a week day, the road was generally quiet and I saw no cars parked on the carriageway or service margins in this cul-de-sac. I did, however, note a car arrive at the

appeal site and drive across the grassed service margin to park immediately in front of and parallel to the dwelling although it was unclear to me whether or not it was parked on part of the service margin.

6. The proposed development would increase the area of hardstanding to the front of the property by replacing an area of approximately 18m² of the grassed service margin in front of the dwelling with block paving to match the existing. That would increase the area of hardstanding available and would be likely to encourage residents to park there. It seems likely from what I have seen that the occupiers of no 12 would park on that area.
7. Service margins are generally provided for access by the public utility companies (such as gas and water companies) to install and access their equipment as well as providing a pedestrian refuge and sometimes a vision splay (allowing a clear view of the road). In this case, the plans show a water meter located close to the edge of the service strip. As the proposal would be likely to encourage parking within the service strip, it would obstruct access for the water company at least. It would also obstruct the view of vehicles, pedestrians and other road users coming around the corner into the head of the cul-de-sac by drivers exiting the appellant's drive and that of the neighbouring property at no 14. Whilst I accept that the proposal is small in scale and that the cul-de-sac is not heavily trafficked and pedestrian activity may be low, that would lead to a risk to those road users and in particular to any wheelchair users who would be unable to see any approaching vehicles.
8. As such, the proposal would cause significant harm in terms of highway safety, movement and use and would be contrary to development plan policy ENV1 (B.9) of the East Riding Local Plan 2012-2029 Strategy Document that seeks to ensure that new development promotes equality of safe access, movement and use. It would also be contrary to the National Planning Policy Framework which has a similar objective.

Conclusion

9. For the reasons given above, I conclude that the proposal would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector