
Appeal Decision

Site visit made on 25 November 2024

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/G4240/D/24/3351680

477 Audenshaw Road, Audenshaw, Tameside M34 5PS

- 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 David Lockwood against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 24/00643/FUL is dated 8 July 2024.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as set out in the Council's decision notice is 'proposed dropped kerb to the front of property and formation of driveway'. Given the proposal includes the provision of hardsurfacing to form a parking space, this is a more accurate description. I have dealt with the appeal on that basis.

Main Issues

3. The main issues in this case are:
 1. The effect of the proposal on pedestrian safety and convenience, and
 2. The effect of the proposal on the character and appearance of the area.

Reasons

Pedestrian safety

4. 477 Audenshaw Road is a mid-terrace property set back from the road behind a garden. A low brick wall matching the material of the houses, marks the boundary of the properties with the highway. At the time of my visit the wall at No 477 had been dismantled. The highway itself is a wide road incorporating pedestrian footways on both sides and dedicated parking lanes.
5. The evidence before me indicates that the proposed parking space would measure 4.6m wide x 4.2m long. The Council advises, and I have no reason to disagree, that a standard parking space for a car should be a minimum of 4.8m long. There is no dispute between the parties that the proposal falls short of that standard.

6. I noted that a parking space has been created in front of the dwelling at No 493, a similar property located in the adjacent terrace, although I am unaware of the circumstances in which planning permission was granted for that development. The appellant considers the dimensions of that space are the same as those in this case and there is no evidence before me to the contrary. Nevertheless, I saw at my visit that a medium sized car can only just be accommodated on the space without overhanging the pavement if it is parked right up to the bay window of the house. I have no doubt that a longer car would overhang the footway.
7. The formation of a substandard parking space could result in vehicles overhanging the footway and as such reducing the area available for pedestrians. This would be particularly inconvenient, and potentially unsafe, for those with children and/or prams and wheelchair users or groups where people have to walk side by side.
8. I have considered whether the use of the space could be restricted to a car of a maximum length, to fit the space, although that is not a suggestion made to me. However, planning conditions need to meet the test of reasonableness, amongst other things, and such a restriction on the size of car the owners of the property, and any successive owners, could park on the space would be unreasonable.
9. The parking lane appears to be available for all residents to use and there is no evidence before me that parking space is at a premium. Nor does it appear that the present parking arrangements are detrimental to highway safety and therefore that the off-street space would be beneficial. Moreover, the provision of a dropped kerb and the formation of the parking space off-street could reduce the amount of available on-street space.
10. Some of the properties further along the opposite side of the road have off-road parking spaces although there are no dimensions of those spaces before me. Accordingly, they do not justify the proposal, which I have determined on its own merits.
11. For the above reasons the proposal would be detrimental to pedestrian safety and as such would be contrary to Policy T1 of the UDP which seeks to improve road and community safety especially in residential areas, and provide a safe and convenient facility for pedestrians.

Character and appearance

12. The site lies in a built-up suburban area characterised by terraced housing of a generally uniform appearance and a rhythm created by architectural detailing, and regular plot widths. The space created by the front gardens, the separation of the houses from the road, the brick boundary wall and the planting to the front of and between houses enhances the appearance of the area. The single car parking space in the two terraced rows does not reflect the defining characteristics of this part of the street.
13. I acknowledge that not all of the gardens are planted and some are fully hardsurfaced. However, the hardsurface in this case would likely be occupied by a car for a significant proportion of time, at odds with the prevailing open character of the frontage of the terrace, and would remove an opportunity for any meaningful planting. I acknowledge the appellant's choice of surface

material. However, the use of cobbles, in itself, would not be sufficient to mitigate against the effects of the proposal outlined above.

14. On that basis the proposal would be harmful to the character and appearance of the area. As such it would be contrary to Policy C1 of the UDP which expects the distinct settlement pattern, open space features and townscape character, amongst other things, to be understood; the value of the surrounding fabric to be respected and the relationship between buildings and their settings be given particular attention, and Policy H10 which requires development to complement or enhance the character and appearance of the surrounding area.

Conclusion

15. For these reasons, the proposal would be contrary to the development plan considered as a whole. There are no other considerations, including personal circumstances, which indicate that permission should be granted contrary to the development plan. Accordingly, taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR