



Appeal Decision

Site visit made on 5 November 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2024

Appeal Ref: APP/N1160/W/23/3328917

31 Alexandra Road, Mutley, Plymouth PL4 7EE

- 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 Anish Sudhamani against the decision of Plymouth City Council.
 - The application Ref is 23/00791/FUL.
 - The development proposed is to provide vehicle access (dropped kerb) to both 29 & 31 Alexandra Road, Plymouth.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site consists of two residential properties that are both middle terraced in a row of three storey townhouses. The properties in the terrace are characterised, in part, by their large front gardens and the stone wall that is part of an almost continuous feature that runs across the frontage of the terraced properties. The wall is punctuated by pedestrian entrances that are in groups of two separated by a stone pier and stone piers on either side. It is a prominent unifying feature in the street scene and makes a positive contribution to the character and appearance of the area.
5. The proposal would involve the removal of a section of the stone boundary wall that is shown on the plans as 2.4 metres wide. The existing pedestrian access to 31 Alexandra Road would be filled in with natural stone to match the

rest of the wall. The existing brick wall separating the two properties would also be removed. Brick paving would then be laid down over the front gardens of the properties to provide a parking and turning area for vehicles.

6. The removal of the section of stone wall and blocking up of one of the existing pedestrian accesses would significantly disrupt the consistent pattern of openings in a prominent and positive built feature in the street scene. The loss of the section of the wall would diminish the contribution it makes to the cohesion of the street scene, to the detriment of the character and appearance of the area. Furthermore, the combining of the frontages of the two properties would result in a loss of the continuous pattern of gardens in the foreground of the row of dwellings, which is an important feature of the area. This would further exacerbate the harm to the character and appearance of the area.
7. The removal of the brick wall itself, which separates the two properties, would not cause material harm to the character and appearance of the area due to its limited prominence within the street scene and that it does not have the same visual and contextual importance as the stone wall. However, the absence of harm is a neutral factor that does not weigh in favour of the proposal.
8. I acknowledge that there are vehicle entrances in the front walls of properties on Alexandra Road, namely Nos 41, 43 and 45. However, Nos 41 and 43 are on the end of rows of terraced properties, not in the middle of a row of properties. The access at No 45 has provided on-site parking for Nos 45 and 47, but it is in a different row of terraced dwellings further down the road and therefore does not have the same contextual situation as the appeal site. As such, those properties are not directly comparable to the appeal properties. The appellant has shown that the access at No 43 was approved in the 1990s and the access at No 45 was constructed before that. Both accesses were therefore constructed a considerable time ago. Additionally, I have not been provided with information explaining the reasoning behind allowing any of those accesses. On this basis, the existing vehicular accesses that have been brought to my attention do not alter my judgement on the appeal proposal.
9. For these reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, the proposal would conflict with Policy DEV20 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (JLP), which seeks, in part, for development to contribute positively to townscape and protect and improve the quality of the built environment.

Highway safety

10. The proposed vehicular access would facilitate the movement of vehicles in and out of the property through the front boundary of the site. This would involve vehicles crossing the pavement and moving past the end of an on-street parking bay that forms part of a Residents Parking Zone. The Local Highway Authority objected to the planning application on the basis that it would result in a substandard access that has a lack of visibility.
11. Due to the straightness of this section of Alexandra Road, when egressing from the site the visibility splay to the right from a vehicle would be sufficient to allow the vehicle to move on to the road without causing an issue for the users of the road. However, the visibility to the left has the potential to be

compromised by cars parking within the on-street parking bay. There would be limited intervisibility between a vehicle leaving the site and a vehicle travelling along Alexandra Road from the northeast. This means that it would be difficult for a vehicle to egress from the access without increasing the potential risk for a conflict between road users. Furthermore, the position of the end of the parking bay would be close to the edge of the access. A vehicle leaving the site would therefore potentially struggle to turn left without needing to momentarily use the opposite side of the carriageway to avoid the parked car. A vehicle travelling from the northeast is unlikely to expect a vehicle to emerge from the access and use the opposite side of the carriageway. Accordingly, this would potentially cause a dangerous situation for the road user. The proposed access would therefore pose a danger to users of the public highway and result in an unacceptable impact on highway safety.

12. Turning to the interactions with pedestrians, when a vehicle is leaving the site by moving within the site towards the proposed access, the intervisibility between the driver and pedestrians on the pavement would be restricted to people who are taller than the boundary wall. As such, there would be the potential for a driver to not see a child who is walking or running ahead of an adult on the pavement, thereby creating a potentially dangerous incident. Additionally, the driver of a vehicle travelling along Alexandra Road from the northeast and looking to turn into the proposed access would potentially not see children on the pavement as a result of the cars parked on the road blocking views of the pavement. Whilst there would be less potential for issues to arise from vehicles approaching the proposed access from the southwest and a driver waiting in the road for the access to be free of pedestrians would cause a minor interference to the free flow of traffic on the road, vehicles using the access and crossing the pavement would materially increase the danger posed to pedestrians using the pavement.
13. I note that there would be small amounts of vehicle movements associated with the proposed access as it would serve two residential properties, but I have identified that the access is likely to be unsafe and the low number of vehicle movements would not make it safe. Furthermore, the drivers using the access may use caution, but this relies on drivers always taking a cautionary approach to negate my concerns about the unsafe nature of the access and this cannot be ensured in perpetuity. As such, these matters do not alter my judgement.
14. For these reasons, I conclude that the proposed development would cause an unacceptable effect on highway safety. Consequently, the proposal would conflict with Policy DEV29 of the JLP, insofar as it seeks to ensure the safety of the highway network.

Other Matters

15. The proposal would benefit the occupiers of the properties as it would offer convenience and increased amenity value. However, this is a private benefit, and it has not been demonstrated that the dwellings cannot be occupied without off-road car parking. As such, the benefits to the occupiers of the dwellings would not outweigh the identified conflict with the development plan and the associated harm.
16. The proposal includes the installation of an electric vehicle charging point, which would help promote the use of a cleaner form of private motor vehicle.

Whilst the provision of such facilities is supported, I have been provided with limited evidence to demonstrate that such facilities could not be delivered in a less harmful way. It therefore does not outweigh the development plan conflict or the level of harm I have identified.

Conclusion

17. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

K Reeves

INSPECTOR