



Appeal Decision

Site visit made on 15 April 2025

by **K Winnard LL.B Hons Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/J2373/D/25/3360538

142 Park Road, Blackpool FY1 4ES

- 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 A Kitchen against the decision of Blackpool Borough Council.
 - The application Ref is 24/0654.
 - The development is described as the removal of part front garden wall, creation of hardstanding and formation of vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The vehicular access has already been constructed and the application is accordingly retrospective.
3. The Council amended the description of the development and I note that the appellant's agent has also utilised this description on the appeal form. I have used the Council's description of the development as this provides a more succinct description.
4. I have had regard to the appellant's assertion, that the development, the subject of the appeal, could not constitute development. A determination of this is beyond the scope of a section 78 appeal. For the avoidance of doubt, I have determined this appeal on its merits on the basis of the Development Plan and other material considerations.

Main Issues

5. The main issues in the appeal are the effect of the development on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and Appearance

6. The appeal property, No 142 Park Road (No 142) is an end terraced dwelling with a modestly sized front garden accessed from Park Road, a classified road. Part of its front boundary wall has been removed and an area of the garden has been hard surfaced to create space for car parking. No 142 is sited within a residential area

characterised by regularly arranged traditional terraced dwellings finished in brick with properties set back from the road. Many of the dwellings on the opposite side of Park Road have the entire frontage given over to hardstanding. This is not the case for those dwellings within the terrace in which No 142 is sited. Although I note that the neighbouring property, No 144 Park Road also has a similar hardstanding and vehicular access the Council indicates this to be unauthorised.

7. Given a significant number of properties within the immediate location have hardsurfaced their front gardens the development is not inappropriate within the prevailing character of the streetscene. Whilst I appreciate that no new landscaping is proposed, I note that a substantial area of grass, in accordance with the plans submitted with the application, has been retained. Hence, there is an element of soft landscaping to lessen the effect of the development. Accordingly, the development would not cause undue harm to the character and appearance of the area.
8. I therefore find that the development would not unduly harm the character and appearance of the area. Of the policies put to me by the Council I find Policies CS6 and CS7 of the Blackpool Local Plan Part One Core Strategy and Policies DM17 and DM21 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Document (Local Plan) to be the most relevant. Together these policies require amongst other things, for development to be well designed and have regard to the local area.

Highway Safety

9. Park Road is a classified road characterised by several side junctions leading to residential streets. At the time of my site visit the road was busy and notwithstanding the off street parking spaces, cars were parked on both sides of the road. There are no parking restrictions in the immediate part of Park Road close to the appeal property.
10. Policy BP13 on the Council's Footways Crossings document requires that for classified roads the property should have sufficient space for a vehicle to enter and turn in not more than a three point turn. Where the parking space available does not meet these requirements the crossing will be refused. The hardstanding area in front of the appeal property is limited in size and it is accepted that drivers using the vehicular access would have to reverse into or from Park Road when leaving or entering the site.
11. In this instance, the vehicle movements associated with one dwelling would be limited. However any reversing movements are likely to be close to parked vehicles given the unrestricted parking. Notwithstanding likely vehicular stopping distances, reversing into and out of the appeal site onto what I observed to be a busy road close to parked vehicles, side junctions and private vehicular accesses would be far from ideal given the restricted visibility of oncoming road users. Further views of a vehicle reversing into and from the site on this side of Park Road would be limited and hazardous to users of the highway. Manoeuvres of slowing, stopping and turning vehicles into No 142 would also be likely to restrict the free flow of traffic along Park Road which would be further detrimental to highway safety.
12. I accept that there are several examples of accesses along Park Road which rely on vehicles reversing into or from the highway. I am not aware of the planning

status of these accesses and the detailed circumstances in which these arrangements were accepted, if at all. I note that the Council advise that some of these accesses are unauthorised. The appellant also refers me to an example of an approved vehicular access which does not meet the standards set out in Policy BP13 but I do not know the full circumstances surrounding this development. In any event the existence of this development does not justify development which would otherwise be harmful. As such this development only merits limited weight and does not lead me to a different view in this case.

13. I therefore conclude that the development would harm highway safety and as such would be in conflict with Policy DM41 of the Local Plan which requires new development to only be permitted when the safety needs of all affected are met. It would also conflict with the National Planning Policy Framework which requires all highway proposals not to have an adverse impact on road safety.

Conclusion

14. Whilst I have found that the development would not cause harm to the character and appearance of the area, I conclude that it would cause harm to highway safety. As such it would conflict with the development plan and there are no other material considerations that would outweigh that conflict.
15. Therefore I conclude that the appeal should be dismissed.

K Winnard

INSPECTOR