



Appeal Decision

Site visit made on 9 June 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/P3420/W/25/3363846

17 Clayton Road, Newcastle-Under-Lyme, Staffordshire ST5 3AF

- 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 Henry Oxley against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 24/00931/FUL.
 - The development proposed is dropped kerb to the front of the property onto Clayton Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on highway safety.

Reasons

3. The appeal site relates to a mid-terraced house with an existing paved forecourt. Clayton Road (A519) is a classified road and the pavement along this section is relatively narrow. The proposed development is a dropped kerb to allow vehicular access to the forecourt.
4. The Council indicates that a minimum depth of 4.8 metres depth is required to ensure a vehicle parked perpendicularly does not overhang the pavement. The submitted plan indicates the forecourt is 4.9 metres deep from the front of the house to the edge of the pavement. However, the presence of a ground floor bay window means that the depth of the forecourt would be less than 4.9 metres. According to the Council, it would only be approximately 4.55 metres deep. I have no basis to disagree. As such, a car parked perpendicularly to the road, could project over the pavement. As a result, pedestrians, including those with mobility impairments, pushchairs or young children, could be forced to step out into the road. This would be an unsatisfactory consequence of the development that could pose unacceptable risk to the safety of both pedestrians and drivers.
5. The appellant has submitted photographs to demonstrate that their, car when parked in the forecourt, does not overhang the pavement. While that may be so, there would be nothing to stop the appellant, a visitor or different occupier from parking a larger car in the forecourt, despite the small size of the house. The fundamental issue here is not the size of the vehicle but the size of the forecourt, taking into account the dimensions required to avoid adverse impacts on highway safety.

6. A planning condition restricting the size of the car that can be parked there would not be considered reasonable as car ownership patterns change. Such a condition would place an undue and impractical burden on occupiers, and would also be extremely difficult to monitor and enforce.
7. While the immediate neighbours have not objected to the proposal and 19 Clayton Road has a similar sized forecourt accessed by an existing dropped kerb, I do not know whether this has planning permission. The appellant has also pointed to 21 Clayton Road which has forecourt parking served by a dropped kerb. However, that forecourt is notably larger. In any event, I have considered the appeal proposal on its own merits.
8. During my site visit several vehicles were partially parked on the pavement along Clayton Road near to the appeal site. While the proposal could help to reduce on-street parking pressure in the area and as a result provide better visibility for drivers when accessing and egressing the forecourts of Nos 19 and 21 and decrease obstruction to pedestrian movement, it would nevertheless result in access to a substandard parking space which could lead to vehicles overhanging the pavement and thereby cause obstruction to pedestrians and consequently hazards to passing vehicles.
9. For the reasons given, the proposed development would cause unacceptable harm to highway safety. Consequently, it would conflict with Policies CSP1 of the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (October 2029) and T16 of the Newcastle-Under-Lyme Local Plan 2011 (October 2003) insofar as they require development to be safe and the design and layout of any parking provided for residential development to accord with the Staffordshire Residential Design Guide. The proposal would also be contrary to the National Planning Policy Framework.

Other Matters

10. That the appellant would have an electric car and install a vehicle charging point would not justify allowing a development that would pose unacceptable harm to highway safety. Nor does the appellant's need to load and unload equipment into their car for business purposes justify the creation of access to a deficiently sized parking space.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR