



Appeal Decision

Site visit made on 18 June 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/Y3940/D/25/3363112

23 Wiltshire Drive, Trowbridge, Wiltshire, BA14 0RR

- 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 Elio Koottala against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10935.
 - The development proposed is described as a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant requires the dropped kerb to serve a proposed gravelled parking area to be created in the property's front garden. Such proposals often fall to be considered as permitted development (PD). However, the Council has clarified that Wiltshire Drive is a classified road, which prevents the development being classed as PD.

Main Issue.

3. The main issue is the effect of the proposed development on local publicly accessible parking provision and the safe operation of the highway.

Reasons

4. The appeal property is comprised within a terrace of similar dwellings. It has a small front garden, upon which the appellant wishes to create a parking space. This is because when he and his wife arrive home from work in separate vehicles, they find difficulty in finding an on-street parking space. This is not surprising since this part of Wiltshire Drive is subject to formal parking restrictions on both sides of the road. The only allocated space to park in this part of Wiltshire Drive is in a layby capable of accommodating around 5-6 vehicles sited in front of the terrace. The layby appears to be part of the public highway and at peak times I suspect that its' parking spaces would be in high demand. However, were the dropped kerb inserted, it would effectively mean the loss of an on-street parking space.
5. The appellant has access to a garage forming part of a battery in Baydon Close, a short walking distance from the appeal property. As I saw during my visit, a car may also be parked comfortably in front of the garage. Whilst the garage's dimensions may restrict the type of car which could be accommodated within, it

seemed to me that a small car could be effectively garaged here. Accordingly, the appellant has access to two private off street parking spaces.

6. Given that the appellant has access to alternative parking spaces a short distance from the appeal dwelling, I can fully understand the Council's concerns, and I share the view that the loss of a publicly accessible car space is unjustified where a clear alternative exists. The loss of a car space from the layby could encourage indiscriminate parking on double yellow lines, potentially creating danger and congestion, particularly close to nearby junctions. Moreover, a successful appeal could act as a precedent tempting other residents in the terrace to pursue similar parking arrangements. The Council would find increasing difficulty in resisting future applications if this appeal succeeded, potentially leading to further indiscriminate parking on the highway. In this respect I noted that none of the other properties in the terrace, bar one, had created parking spaces in their front gardens. The exception was 23A Wiltshire Drive, which did not access onto the layby.
7. Having regard to the above I conclude that proposal conflicts with provisions of the Framework¹ notably those paragraphs directed to ensuring that development does not have an unacceptable impact on highway safety and to create places that are safe.

Other matters

8. I appreciate that the appellant has gone about this in the right way in seeking to obtain the appropriate approvals, and has paid several hundreds of pounds to the highway and planning authorities in fees. However, the payments were application fees, not licence fees, and the payments do not automatically result in a successful outcome.
9. No other matter is of such strength or significance as to outweigh those considerations that led to my overall conclusions.
10. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR

¹ National Planning Policy Framework paragraphs 116 & 117.