



Appeal Decision

Site visit made on 6 December 2017

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 December 2017

Appeal Ref: APP/N2535/D/17/3188709

27 Spital Terrace, Gainsborough, Lincolnshire DN21 2HD

- 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 Brian Broomfield against the decision of West Lindsey District Council.
 - The application Ref 136461, dated 5 July 2017, was refused by notice dated 29 August 2017.
 - The development proposed is the installation of a dropped kerb and creation of a vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description set out above since it best describes the development to which the appeal scheme relates. I have sought the views of the appellant and the Council on my use of this description and received no objections; I have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is the front garden to one of a pair of semidetached two storey dwellings which are set back from and facing the road. A hedge and low wall demarcate the front boundary where it meets the back edge of the footway. The proposed development seeks to create off street parking in the front garden and in so doing create an access from the carriageway in the form of a dropped kerb.
5. The front garden is roughly square and unimpeded by any obstacles. I have no doubt, based on the evidence before me and my observations on site, that there is sufficient space within it to park a vehicle clear of the highway and thus ensure it would not be obstructed. Indeed, at just over five metres in width, it seems eminently possible to be able to accommodate two vehicles side by side. The appellant has shown on the proposed plans that it would also be possible to enter the front garden forwards, execute a turn within it, and exit forwards. Whilst I have some doubts as to whether this could be carried

out as a three point manoeuvre as claimed, when taking into account the average length of a car, I accept nonetheless it could be done.

6. Be this as it may, this would rely on there being no other vehicles or indeed other obstacles in the garden. I acknowledge that the appellant, as stated, owns only one vehicle but no reasonable planning controls could prevent that situation changing. Essentially, neither a planning condition nor a legal agreement for example could restrict the actions of an individual or their choice, or indeed the choice of another occupant of the dwelling, from owning more than one vehicle. I have also given consideration to restricting the parking space that would be created to hosting a single vehicle only at any one time. However, I feel this would place an unfair burden on the Council to enforce going forwards.
7. With the above in mind, I have concern that the proposed development would have the potential to give rise to a vehicle having to reverse into a live carriageway. Spital Terrace, being part of the B1433, is a busy route into and out of the centre of town and carries a steady but almost constant traffic flow. Such a manoeuvre would therefore be hazardous to users on a regular basis. To the extent that the safe use of the highway would be compromised.
8. This harm would bring the proposed development into conflict with Policy LP13 of the Central Lincolnshire Local Plan 2017. This policy, amongst other things and along with the Framework¹, seeks to ensure that new development provides well designed, safe and convenient access for all.

Conclusion

9. For the reasons set out above, the appeal is dismissed.

John Morrison

INSPECTOR

¹ The National Planning Policy Framework 2012