
Appeal Decision

Site visit made on 12 August 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/X3540/D/20/3252166

Hackbridge, 61 London Road, Pakefield, Lowestoft NR33 7AD

- 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 Robert Daniels against the decision of East Suffolk Council.
 - The application Ref DC/20/0651/FUL, dated 16 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is the provision of dropped kerb and parking to front garden space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Suffolk County Council (SCC) as Highway Authority, responded to the planning application on 12 March 2020. The response referred to Drawing No AD-10-1157. As that plan was not submitted with the Appeal Questionnaire, I wrote to the Council seeking clarification. However, no response was received and I have therefore proceeded on the basis that SCC have referenced the wrong plan and that the correct plan is AD-19-1157 rev A as listed on the Decision Notice.

Main Issues

3. The main issues are the effect of the development on, firstly, highway safety and, secondly, the character and appearance of the area.

Reasons

Highway safety

4. Although not listed as a reason for refusal on the Council's Decision Notice, highway safety was raised as an issue by Lowestoft Town Council as well as a local resident. It is also evident from the Delegated Report that the Case Officer had several concerns with the adequacy of SCC's consultation response. For the reasons set out below, I share those concerns and find SCC's position in relation to the proposal to be deeply troubling.
5. London Road is a busy B-class road being one of the main arterial routes to/from the town centre. Past the site frontage, the road is subject to a 20mph speed limit, most likely on account of Pakefield Primary School being located a very short distance to the south-west of the appeal site. The Pakefield High School is located a little further afield. Although the schools were closed at the

time of my visit, I can well imagine that the roads serving these schools experience considerable congestion during school drop-off/pick-up times. The sheer amount of highway intervention including Traffic Regulation Orders, guard railing and wooden verge posts, all point to this being a highly sensitive highway location.

6. The objector highlights that the footway across the site frontage accommodates significant volumes of pedestrians accessing the schools via the pedestrian crossing. This inevitably gives rise to concerns that vehicle movements to and from the parking area could come into conflict with pedestrians many of which would be young children.
7. As is clear from the proposed layout, it would not be possible for a car to enter and exit the parking area in a forward gear. This means some form of reversing manoeuvre will inevitably be required. Whilst it is always preferable for vehicles to reverse in, this cannot be assumed, and real-world experience shows that many drivers opt to reverse out. In either scenario, I have concerns that drivers egressing the proposed parking area would lack the necessary visibility to safely see approaching pedestrians.
8. SCC's response to the application states that "*visibility splays should be provided to determine the level of visibility this access would be able to achieve*". However, the submitted drawing does not show what vehicular or pedestrian visibility splays would be achievable. Given the sensitivity of the location, I find that omission, particularly the latter, to be completely indefensible. The plan does indicate that the parking area would be flanked to the north by a 'ramped approach'. No sections or levels have been provided and so I have no way of being sure of its effect on visibility to the north of the parking area.
9. Moreover, given the proximity of neighbouring third party land, it is difficult to see how minimum pedestrian visibility splays of 2m x 2m could be provided. Such splays would in my view be mandatory in a location such as this. Even if the splays could be achieved, I am still concerned that the ramped approach and neighbouring land would impede pedestrian visibility especially when reversing out. I also share the Case Officer's concern about the potential effect on the pedestrian crossing. Swept paths should be provided to show how manoeuvres to/from the parking area would interact with the crossing.
10. SCC's response fails to address any of these fundamental concerns. There is simply no mention of the school, the pedestrian crossing or pedestrian visibility splays. The consultation response reads as an overly prescriptive, box ticking exercise and leaves one to wonder whether the Highway Officer even visited the site or is familiar with the area.
11. The preoccupation with the dimensions of the parking area and vehicular visibility splays is the antithesis of the approach advocated by "*Manual for Streets*" (MfS) which stresses the desirability of looking at both the movement and place functions of a route and a move away from the rigid application of design standards. Perhaps most significantly for the appeal scheme, it emphasises the need to put pedestrians at the top of the user hierarchy. These are not new concepts, MfS was published in 2007 and the follow up, "*Manual for Streets 2*" in 2010 and therefore SCC ought to be fully conversant with them.

12. In light of the above, I conclude that the proposed development would result in significant harm to highway users and would thus be contrary to Policy WLP8.21 of the Waveney Local Plan 2019 (WLP) with regards to reducing conflict between highway users and pedestrians. It would also conflict with advice in paragraphs 106 and 109 of the National Planning Policy Framework with regards to ensuring safe access.

Character and appearance

13. The appeal scheme seeks permission to remove the boundary wall and to create a parking area to the front of No 61. To facilitate the safe use of the parking area, the proposal also seeks permission to create a vehicular crossing from London Road.
14. The appeal site is located in an established residential area where two-storey dwellings tend to address the road in the traditional manner. Those on the opposite side of London Road have all converted their front gardens to paved parking areas. The eastern side of London Road however retains much more of its original character with the grass verges, street trees and landscape front gardens all making a positive contribution to the London Road street-scene.
15. Whilst some of the semi-detached properties to the north of the Cliftonville Road junction have driveways, these dwellings are set further back than Nos 57, 59, 61 and 63 and the driveways only occupy a proportion of the frontage area allowing the retention of most of the front gardens and grass verges. That would not be the case here as the parking area would occupy the majority of the site frontage leaving little room for any meaningful landscaping.
16. The removal of the wall, a strip of the grass verge and the formation of the parking area would in my view have a lasting adverse effect on the street-scene. It could legitimately result in neighbouring occupiers seeking to do the same. The collective loss of other front gardens in the immediate area would compound the harm I have identified.
17. Overall, I conclude that the proposal would result in some harm to the London Road street scene. However, it has to be acknowledged that the Council has granted planning permission for other similar developments in the past, most notably on the opposite side of London Road. Based on the foregoing, I consider the overall level of harm to the character and appearance of the area would be limited rather than significant. Nonetheless, there would be conflict with WLP Policy WLP8.29 which, amongst other things, seeks development that responds to local context and distinctiveness.

Conclusion

18. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector