



Appeal Decision

Site visit made on 25 May 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/W3005/D/24/3338324

71 Station Road, Selston, Nottinghamshire, NG16 6FF

- 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 Andrew Mitchell against the decision of Ashfield District Council.
 - The application Ref: V/2023/0547, dated 20 September 2023, was refused by notice dated 22 November 2023.
 - The development proposed is the construction of a drop kerb and the installation of an electric car charging point.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is located within the Green Belt. However, the Council considers that the proposed development would not have an adverse effect upon the five purposes of the Green Belt or impact upon its openness. In the light of national policy on Green Belts, as set out in the National Planning Policy Framework, and in Policy EV1 of the Ashfield Local Plan Review – (Adopted November 2002) (LP), which follows the policy in the Framework, I concur with that view. On that basis, the main issue in the case is as set out below.

Main Issue

3. The main issue in this case is the effect of the proposed construction of a drop kerb and parking space on highway safety along Station Road.

Reasons

4. No 71 is a small, semi-detached dwelling situated on the western side of Station Road. Station Road is a moderately busy road and a bus route, with limited pedestrian activity and with on-street car parking along the western side. The appeal property has a paved front garden area measuring approximately 5.2 metres wide and 3.6 metres deep. At the time of my visit there was a single length of fence between fence posts at one end of the front boundary of the property. The proposal would involve the removal of the remaining length of boundary fence and the construction of a drop kerb to enable parallel car parking at the front of the dwelling.

5. Saved Policy ST1 of the LP indicates that development will be permitted where it will not adversely affect highway safety. The Nottinghamshire Highways Design Guide 2021 (HDG) indicates that off-street parking space widths should consider the space requirements of the user and ensure clearance space for a wheelie bin or bicycle to pass a vehicle. Moreover, parallel parking immediately at the back of a footway is unlikely to be acceptable due to the potential conflict with pedestrians.
6. Section 9 of the National Planning Policy Framework promotes Sustainable Transport, but there is no conflict between national policy in the Framework and the development plan policy and related guidance referred to above.
7. The appellant contends that there is enough room to manoeuvre a car into the space in front of the house and has provided a video and photographs relating to this. He also contends that visibility splays could be accommodated, and that the provision of an off-street space would reduce on-street parking to the benefit of road users.
8. The appellant's video shows him manoeuvring his car into the space in front of the house. I note, however, that the car is small, and that the manoeuvres are potentially hazardous and require him to use a significant part of the road. Also, such manoeuvres require no car to be parked on the road close to his property boundary. I have significant concerns that it would be very difficult, if not impossible, for a larger car to make such manoeuvres safely, even with the existing length of fence removed. There can, of course, be no guarantees that the appellant or any future occupier of the property would not have a larger car, or that neighbours would not park close to the property boundary, so making manoeuvring potentially even more dangerous.
9. For adequate visibility of pedestrian and vehicle movements off-site, the appellant would need to park the car facing downhill so as to have any ability to see such movements. Whilst this may well be possible when the fence is removed entirely, again it relies on there being no car parked on the road outside close to the property boundary in order for a car to be safely manoeuvred into its space and parked in this direction. It is not clear whether such manoeuvres would enable a car to be parked in a position where there would be both adequate visibility above boundary treatments and also room to enter and exit the vehicle without impinging on the pavement.
10. In conclusion, I find that the limitations of the proposed front parking area would be very likely to result in harmful manoeuvres within the road and across the pavement. Moreover, the ability of any occupier of the appeal property to safely manoeuvre over the drop kerb into and out of the space would be restricted by the size of car and by the need for space on the road beyond the side boundaries of the dwelling. The road is busy and is a bus route, both of which would add to the potential hazards involved in entering and leaving the site in the manner necessary.

Other Matters

11. The appellant contends that bus routes in the vicinity are inconvenient, and that he needs to use a car. Nevertheless, it would appear that there is a regular service between Mansfield and Ripley, with stops at settlements in between. He also contends that the proposal would enable him to provide an electric car charging point for use at the front of the property. However, this

would not directly impact on the safety issues relating to the use of the proposed car space as outlined in paragraphs 8 and 9 above.

12. I accept that there would appear to be sufficient space in front of the house for a small car to be stationed and for its doors to be opened without obstructing the pavement. However, a car larger than that shown on the video would not necessarily leave enough space for bins or cycles to be taken past for storage at the property.
13. The appellant points to potential benefits of the provision of off-street parking to the free flow of traffic along the road, particularly given evidence of some damage to his car when parked on the road. I acknowledge that there could be potential benefits, but the existence of car parking along the rest of the road, along with the potential for additional on-street car parking associated with the appeal property immediately outside of the house, means that any such benefits would be limited and unpredictable, and would not outweigh the harm to highway safety as outlined above.
14. Finally, the appellant has also referred to other properties along the road where cars can be parked off the road, including the church building a little to the north and Nos 57-59 a little to the south. I have no details as to when or on what basis these parking facilities were created. In any case, from my own visit to the area, I note that these relate to situations where there are driveways to the side of the properties and they are extremely limited in number. Moreover, I have determined the appeal on the basis of the particular site-specific circumstances of the case before me.

Conclusion

15. I find that the proposal would be harmful to highway safety along Station Road, and that it would conflict with Policy ST1 of the LP and with the HPG, which although a guidance document, covers important matters that are relevant to this appeal, and is consistent with the NPPF.
16. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, but the risks caused by the proposed off street parking and drop kerb outweigh any benefits in terms of eliminating discrimination against persons with the protected characteristics of age, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

J D Westbrook

INSPECTOR

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Permitted Development) (England) Order 2015
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Town and Country Planning (Tree Preservation) England Regulations 2012
Planning (Listed Buildings and Conservation Areas Act 1990
Planning (Hazardous Substances) Act 1990
Planning and Compensation Act 1991

Refusal Notice

Full Planning Application

The application referred to below has been refused by Ashfield District Council.

Application Details

Planning Reference Number: **V/2023/0547**

Location of Development: **71, Station Road, Selston, Notts, NG16 6FF**

Description of Development: **Drop Kerb and Electrical Car Charging Point**

Applicant Name: **Mr Andrew Mitchell**

Date: **22/11/2023**

REASONS:

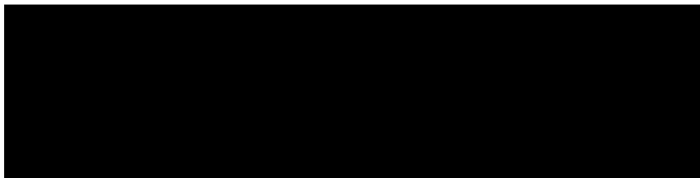
1. The proposal fails to demonstrate that the site frontage would have adequate space to accommodate a parked vehicle or how the vehicle would manoeuvre safely and conveniently. It is considered that a vehicle parked to the front of the property would result in an obstruction and conflict with pedestrians and other road users and would have a significant impact upon highway safety on the C classified road. The proposal is therefore considered contrary to Policies ST1(a) and ST1(c) of the ALPR (2002), Part 9 of the NPPF (2023), The Nottinghamshire County Council Highway Design Guide (2021) and The Residential Car Parking Standards SPD (2014).

INFORMATIVE

For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.

PROACTIVE WORKING

The processing of this application has been undertaken in accordance with the requirements of the National Planning Policy Framework 2023.



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PP. Theresa Hodgkinson
Chief Executive

Delegated Report

Application Number: V/2023/0547

Address: 71, Station Road, Selston, Notts, NG16 6FF

Description of Works: Drop Kerb and Electrical Car Charging Point

The Application	Drop Kerb and Electrical Car Charging Point
Policy Considerations	<p>Ashfield Local Plan Review (ALPR) (2002)</p> <ul style="list-style-type: none">• ST1 – Development• ST3 – Named Settlement• EV1 – Green Belt <p>National Planning Policy Framework (NPPF) (2023)</p> <ul style="list-style-type: none">• Part 9 – Promoting Sustainable Transport• Part 12 – Achieving Well-Designed Places• Part 15 – Conserving and Enhancing the Natural Environment <p>Supplementary Planning Documents (SPD's)</p> <ul style="list-style-type: none">• Residential Car Parking Standards (2014) <p>Other Documents</p> <ul style="list-style-type: none">• Nottinghamshire County Council Highway Design Guide (2021)
Relevant Planning History	<p>Application Reference: PEQ/2021/0187 Proposal: Vehicular Access Decision: PEQ Determined Decision Date: 09/12/2021</p>
Summary of comments received	<p>NCC Highways: The applicant proposes the removal of the existing boundary fence and introduction of a dropped kerb footway crossing to serve a single car parking space and electric vehicle (EV) charging point on the frontage to 71 Station Road, Selston.</p> <p>The proposal was subject to a pre-application enquiry (reference PEQ/2021/0187). The highway authority set out a range of issues that the applicant would have to address to demonstrate whether the proposal would be acceptable in highway safety terms. The block plans and photographs submitted with the planning application do not adequately address such matters.</p> <p>The planning application does not demonstrate that: 1. The site frontage has adequate space to safely accommodate a parked vehicle; 2. That pedestrian splays can be provided; 3. Confirm whether manoeuvres to and from the space could be achieved safely and conveniently; or, 4. Show where the bins displaced by the scheme</p>

	<p>would be stored.</p> <p>Nottinghamshire County Council's (NCC's) Highway Design Guide (HDG) states, at section 4.1.26, that parallel parking immediately at the back of a footway is unlikely to be acceptable due to the potential conflict with pedestrians. The proposal is therefore contrary to NCC's HDG.</p> <p>The width of the proposed parking area would appear to be sufficient to accommodate the width of a parked vehicle between the back of footway and the building. However, the length falls below the standard length of a parking space (5.5m) and additional space would be needed for a vehicle to manoeuvre safely and conveniently to and from the frontage. There is insufficient width to accommodate pedestrian visibility splays.</p> <p>Multiple manoeuvres would be needed for a car to enter and leave the limited space available within the applicant's ownership, causing conflict with, and obstruction to, pedestrians on the relatively narrow footway along the site frontage and other vehicles using Station Road, which is a bus route. Reversing manoeuvres would compromise visibility between vehicles using the parking space and pedestrians and vehicles on Station Road.</p> <p>Whilst the applicant may intend to use a small car, this may not be the case for future owners of the property. In any event, the impracticality of the scheme may cause the parking space to fall into disuse and parking to remain on-street. If this resulted in EV charging cables being trailed over the footway, this would be a trip hazard.</p> <p>Removal of one parked car from an on-street location, as referred to by the applicant, is unlikely to give rise to any material benefit to traffic flow along Station Road given the extent of existing on-street parking in the vicinity of the site. Future occupiers of the property may have more than one vehicle, with one parked on the frontage and the second in the space vacated by the vehicle parked on the frontage with no benefit to conditions on Station Road.</p> <p>For the above reasons, the highway authority considers that the proposal is impracticable, will not operate safely and conveniently and will compromise highway safety. It is therefore recommended that planning permission should be refused.</p> <p>No other written representations have been received in respect of this application.</p>
Comments on above	Highway concerns shall be discussed in the main body of the report.
Summary	<p>The Site and Application:</p> <p>The application site consists of a two-storey, terraced property located on the northern side of Station Road, Selston. The site context is predominantly residential with some open green space within the wider</p>

context, the site is also within the named settlement of Selston as outlined within the ALPR (2002).

The application seeks consent to drop the kerb at the front of the property so that a car is able to be parked on a small area at the front of the property. The application also seeks consent to install an electrical car charging point.

The site is located within the Green Belt; however, it is considered that the proposed development would not have an adverse effect upon the five purposes of the Green Belt or impact upon the openness.

Visual and Residential Amenity:

It is considered that the dropped kerb to provide a parking space would have little significant impact upon visual amenity.

Furthermore, an assessment has been made in relation to residential amenity and it is considered unlikely that the development would have an adverse impact upon residents amenity.

Highways:

Station Road is characterised by long rows of terraced housing with a narrow road. The opposite side of the application site does have a large pavement area, but this is not mirrored on the applicants side. The area around the application site has high levels of on-street parking. Paragraph 111 of the NPPF (2023) states that highway development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition, ST1(c) of the ALPR (2002) outlines that development will not be permitted where it would adversely affect highway safety.

The applicant previously submitted a pre-application enquiry for the development, in which it was highlighted that the applicant would have to satisfy the highway concerns provided in the enquiry stage.

The Highways Authority still has concerns with the proposal and have recommended a refusal for the application, following the highway comments the applicant has provided further details for the consideration of the Local Planning Authority.

It is considered that the applicant has not been able to demonstrate that the site frontage would have adequate space to safely accommodate a parked vehicle, and how the vehicle would manoeuvre safely and conveniently.

Multiple manoeuvres would be needed for the car to enter and leave the limited space available within the applicants ownership, creating conflict and obstruction to pedestrians and other road users.

The applicant has argued that the removal of an on-street space would benefit the traffic flow on Station Road, but this is unlikely due to the large extent of on-street parking in the vicinity. The applicant has

pointed out other places in the vicinity that have off-street parking, however these are located at the rear of the premises and are not directly comparable to the proposed, nevertheless each application should be considered on its own merits.

Whilst the applicant may have a small car, future occupiers of the dwelling may not, and the off-street space would then fall into disuse. The development may benefit the applicant personally, but paragraph 130 of the NPPF (2023) ensures that development shall function well, not just for the short term, but over the lifetime of the development.

Conclusion
Having reviewed all the submitted information and assessing this against all relevant policies and material planning considerations, refusal is recommended for this application.

Recommendation Refuse Consent

Reason for Refusal	Reason Code	Text	Monitor
		The proposal fails to demonstrate that the site frontage would have adequate space to accommodate a parked vehicle or how the vehicle would manoeuvre safely and conveniently. It is considered that a vehicle parked to the front of the property would result in an obstruction and conflict with pedestrians and other road users and would have a significant impact upon highway safety on the C classified road. The proposal is therefore considered contrary to Policies ST1(a) and ST1(c) of the ALPR (2002), Part 9 of the NPPF (2023), The Nottinghamshire County Council Highway Design Guide (2021) and The Residential Car Parking Standards SPD (2014).	

	Signed	Dated
Case Officer		22/11/2023
Development Team Manager		22/11/2023
Determined by Service Director Or on their behalf		22/11/2023