

## Appeal Decision

Site visit made on 17 May 2016

**by Beverley Wilders BA (Hons) PgDurp MRTPI**

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

**Decision date: 7 June 2016**

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**Appeal Ref: APP/B3438/D/16/3148926**

**Ismalia, 50 High Street, Ipstones, Staffordshire ST10 2LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Gary Chell against the decision of Staffordshire Moorlands District Council.
  - The application Ref SMD/2016/0109, dated 8 February 2016, was refused by notice dated 13 April 2016.
  - The application sought planning permission for proposed side and rear extension, internal alterations and demolition of existing garage without complying with a condition attached to planning permission Ref SMD/2014/0004, dated 6 March 2014.
  - The condition in dispute is No 6 which states that: "The development hereby permitted shall not be brought into use until the garage, parking and turntable have been provided in accordance with the approved plan 5265-SK-01 J. The garage and turntable shall thereafter be retained and maintained, unobstructed, for the purposes of parking and turning of vehicles for the life of the development."
  - The reason given for the condition is: "To comply with NPPF policies and in the interests of highway safety."
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. Planning permission was granted for a side and rear extension and the demolition of an existing garage (Ref SMD/2014/0004). The permission includes a condition which prevents the use of the extensions until such time that the garage, parking and turntable have been provided in accordance with approved plan 5265-SK-01 J. The turntable was shown on the approved plan and the condition imposed following initial concerns raised by the highway authority in relation to the original proposal which did not allow vehicles to enter and leave the site in a forward gear. The turntable was incorporated into the proposal to overcome the concerns of the highway authority.
  3. The appellant states that the area of the driveway has been expanded since the permission was granted and that there is now sufficient space for vehicles to turn within it. An application was made to vary condition 6 of planning permission reference SMD/2014/0004 to remove the requirement for a turntable (Ref SMD/2016/0109). The application was refused by the Council due to highway safety concerns and is the subject of this appeal.
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4. Having regard to the background to the application and the imposition of the condition, the main issue is whether the condition is reasonable and necessary having regard to highway safety.

### **Reasons**

5. The appeal site comprises a semi-detached dwelling which fronts onto High Street. At my visit I saw that a two storey side extension has been constructed at the appeal site. The extension is set back from the front elevation of the dwelling and contains a garage. There is a small driveway to the front of the extension which also extends in front of the main front elevation of the dwelling. At the time of my visit a small car was parked parallel to the pavement on the area of driveway in front of the main front elevation of the dwelling.
6. High Street leads into the centre of the village and is a fairly narrow road with no parking restrictions. At the time of my visit the road was reasonably busy with traffic and there was no on street parking in the immediate vicinity of the site. However I note the Council's comment that the road is notably problematic for on street parking congestion particularly nearer to the village centre and appreciate that the amount of on street parking is likely to vary throughout the day.
7. The highway authority has assessed the dimensions of the driveway as shown on the submitted plan and does not consider that there is sufficient space to enable a vehicle to turn within it. The appellant claims to have video evidence showing vehicles turning within the site but I have no substantive evidence before me to demonstrate that this is possible.
8. Whilst I saw a small vehicle parked to the front of the dwelling at my site visit, I noted that the driveway is modest in size and does not have sufficient width to allow vehicles to turn without utilising the space in front of the main front elevation of the dwelling. This space is limited in width and in order to access it vehicles would be required to manoeuvre around the front corner of the dwelling. It seems to me that this manoeuvre would only be possible by small cars and even then it seems likely that carrying out the manoeuvre would result in vehicles crossing over the adjacent pavement. This would have an adverse impact on pedestrian safety.
9. The absence of an adequate turning facility within the appeal site would result in vehicles either having to reverse into or out of the site. The narrow width and reasonably busy nature of the road is such that this manoeuvre would be likely to unacceptably increase the risk of collision. This would be detrimental to highway safety.
10. Taking the above matters into consideration, I conclude that the condition is reasonable and necessary having regard to highway safety. To allow the variation of the condition to remove the requirement for a turntable would, based on the evidence available, be likely to result in vehicles reversing into or out of the site to the detriment of highway safety and contrary to policies DC1 and T2 of the Staffordshire Moorlands Core Strategy and to paragraph 32 of the National Planning Policy Framework. These policies seek, amongst other things, development proposals to provide safe and satisfactory access.

### **Other Matters**

11. I have had regard to the appellant's reasons for submitting the appeal and his desire to obtain guidance from the Council. Whilst I note his frustration, for the reasons stated I consider that the proposal would be harmful to highway safety.

### **Conclusion**

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Beverley Wilders*

INSPECTOR