

Appendix C

Appeal by Mr Yashin Umerji

Vehicle access at 193 Boythorpe Road, Chesterfield.

CHE/20/00155/FUL

2/3826

1. Planning permission was refused on 23rd June 2020 for permission for a vehicle access to 193 Boythorpe Road for the following reasons:

The proposal does not comply with policies CS18 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and the wider National Planning Policy Framework. The proposal is considered to provide a substandard off street parking space that is of an unacceptable gradient in relation to the Highway Authority's current design and does not accord with the provision of the "Successful Places" SPD due to the small car parking space. The proposal also involves engineering works in the highway that do not meet current Highway Authority's design recommendations. The proposal is therefore considered to be of poor design and not acceptable.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue was the effect of the proposal upon highway safety. The appeal relates to a semi-detached property located within a residential area. To the front of the property is a grass verge and raised flowerbed which positively contribute to the character and appearance of the area. Although the grass verge and raised flowerbeds are not owned by residents, The inspector understood that they currently maintain them and the inspector observed that traffic is relatively constant along Boythorpe Road and the existing off-street parking generally does not allow for cars to enter and exit in a forward gear.
4. The Successful Places Supplementary Planning Document (2013) (SPD) sets out that perpendicular parking bays should measure 2.4 metres in width and 4.8m in length. The drawings submitted with the application show that the proposed parking

area would have a length of around 6.5m. Having said that, this figure does not take into account the front projection of the property or the fact that part of the land included in the parking space falls outside the ownership of the appellant. The Council stated that the maximum length of the parking space that could be provided within land owned by the appellant is 3.9m. The appellant did not dispute this figure within their appeal statement. Parked vehicles are therefore likely to overhang the highway and would not be in accordance with the parking space measurements set out in the SPD. Unlike other driveways in the surrounding area, which tend to be of a single car width, the proposed arrangement is to hard surface the entire frontage. That could result in a number of cars parking and manoeuvring across the front of the site in the area which overlaps with the public highway, causing potential conflict with other road users.

5. The proposed scheme would involve engineering works in the form of a soakaway located within the highway and a driveway gradient in excess of the currently recommended maximum of 1 in 12. The proposed drainage is not considered good design because increased surface water run off should be captured within the site, so it does not increase highway safety water run off. The appellant states that they intend where possible to try and maintain the existing slopes and to follow the gradient that already exists. However, this was not clearly shown within the submitted drawings.
6. The appellant highlighted that the scheme could be altered, and that the soakaway could be moved or removed from the scheme. However, in the absence of more detailed information as to precisely what solution is proposed, it was not clear whether such amendments could overcome the problem of surface water spilling down onto the highway from the steeply sloping driveway. Proposals generally cannot be amended through the appeal process. Where an appeal is made it is made against the decision of the Council and based on the plans submitted at the application stage. The suggested amendments have not been subject to any consultation. Thus, it is possible that neighbours or interested parties would be prejudiced by the amendment and so the inspector was disinclined to consider it as part of this appeal and have based the decision on the submitted plans.

7. The submitted drawings do not clearly show the relationship of parked vehicles with the land within Highway ownership or the gradient of the proposed driveway, for example whether there would be retaining walls at each side of the driveway where it abuts neighbouring properties. Due to a lack of information, the appellant has failed to demonstrate that the driveway and parking area could operate in a manner that would not have an unacceptable impact on highway safety. Due to the lack of detail in the submitted information, it is difficult to compare it to the nearby driveways. The inspector did not have the full details of these applications, but the Officer's Report highlighted that the driveway at Nos. 191 and 197 were granted over 20 years ago. In any case each application must be determined on its own merits.
8. The appellant highlights that the scheme would allow vehicles on the opposite side of the highway to park on the road instead of the pavement which would make it safer for pedestrians. Nevertheless, as a number of properties within this section of Boythorpe Road do not benefit from off-street parking, the proposed driveway would not have a significant impact upon the placement of cars on the highway. Therefore, such benefits would not outweigh the harm identified. For these reasons, based on the evidence presented, the proposed development would harm highway safety and result in a poorly designed driveway. Consequently, it would conflict with Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011 – 2031 (2013), the SPD and the National Planning Policy Framework which collectively seek, amongst other matters, to ensure new development provides adequate and safe vehicle access and parking.
9. *Other Considerations*
The inspector acknowledged that the appellant is a taxi driver and the scheme would allow him to install an electric vehicle charging point. The inspector understands the importance of reducing carbon emissions but did not consider such benefits would outweigh the harm identified.