



# Appeal Decision

Site visit made on 6 June 2023

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 June 2023**

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**Appeal Ref: APP/X1118/D/22/3310443**

**11 Gwythers, New Road, South Molton, Devon EX36 4AZ**

- 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 Miss Samantha Harris against the decision of North Devon District Council.
  - The application Ref 75842, dated 27 August 2022, was refused by notice dated 20 October 2022.
  - The development proposed is the removal of the front wall and levelling of the ground to provide a parking space.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on highway safety with regard to users of New Road.

## Reasons

3. The appeal site is located off New Road, a 30mph Class B County Road with a bus route. A pavement runs along the appeal site side of the road, from its junction with Poltimore Road and beyond the built-up boundary of South Molton. Double yellow lines restrict parking on either side of the highway along a similar stretch of New Road, terminating at the national speed limit sign. During my mid-morning site visit, I observed intermittent traffic travelling in both directions and an occasional pedestrian. Several cars displaying Blue Badges were parked on the highway, adjacent to the pavement.
4. The area to the front of the appeal site comprises a small, predominately paved garden area which, aside from the path between the pavement and the front door, is raised. Low walls define the three garden boundaries, with fence panels above the side boundary with 12 New Road (No 12). The proposed development would remove the front wall and the raised section of the front garden, lowering the driveway to the same level as the pavement, whilst the side boundary features would be retained.
5. Whilst there would be sufficient space to park a car in the front garden, drivers would be required to either reverse into or out of the parking space and across the pavement as it would not be possible to turn around on the driveway. Due to the overall height of the boundary feature with No 12, views from the appeal site looking towards Poltimore Road would be obstructed, regardless of whether the vehicle was in forward or reverse gear. Furthermore, I have limited

substantive evidence before me demonstrating that the required visibility splays could be accommodated given the narrow width of the appeal site and the presence of other boundary features to the front of nearby properties.

6. Even if the appellant were to always enter the driveway in reverse gear, this would impede the flow of road and pavement traffic. Given the slight curvature of the road from Poltimore Road, frontage boundary treatments and the potential for cars parked on double yellow lines, visibility would be obstructed. When reversing out, the position of the driver would be further away from the pavement than in forward gear. As a result, the sightlines required to provide adequate visibility to enable drivers to see pedestrians on the pavement or vehicles on the highway would be longer. Additionally, such a manoeuvre would impede the flow of traffic along the road, even if the appellant considers there is enough distance for vehicles to slow down or stop.
7. In the surrounding area, I observed few driveways to the front of properties with accesses off New Road. The nearest dropped kerb is located between 15 and 16 New Road, where access to the rear of the properties and sufficient space for vehicles to turn around is provided. Therefore, drivers have the opportunity to exit in a forward gear, even if there is no evidence that this is done. My attention has also been drawn to examples of properties located on other B roads that have parking spaces to the front, including B3226 East Street. However, I have limited evidence before me concerning the planning regime these examples were assessed against. Regardless of this, the presence of such arrangements is not a reason to allow unacceptable development.
8. Some wider benefits would result from the appellant's use of an electric car, in respect of reduced carbon emissions. However, as the proposed points would not be available for public use, they would be of private benefit, in terms of reduced fuel costs, to the appellant. Any public benefit would therefore be limited given the scale of the proposed development, even if it would prevent the appellant from parking illegally on the highway whilst charging their vehicle or not lead to an increased demand for charging points in the local car park.
9. I conclude that the proposed development would cause significant harm to the safety of users of the highway. It would be contrary to the requirements of policies ST10, DM05 and DM06 of the North Devon and Torridge Local Plan 2011-2031. These policies, amongst other provisions, require development to ensure safe and well-designed vehicular access whilst protecting the function and safety of the road network. It would also conflict with the need to ensure safe access for all users set out in Section 9 of the National Planning Policy Framework.

## **Conclusion**

10. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. For the reasons identified above the appeal is dismissed.

*Juliet Rogers BA (Hons) MA MRTPI*

INSPECTOR