



Appeal Decision

Site visit made on 8 December 2009

by Roland Punshon BSc (Hons) MRTPI

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

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**Decision date:
23 December 2009**

Appeal Ref: APP/R1845/A/09/2112329

459 Chester Road North, Kidderminster, Worcestershire DY10 1TP

- 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 Mark Hodson against the decision of Wyre Forest District Council.
- The application Ref 09/0200/FULL, dated 18 March 2009, was refused by notice dated 7 May 2009.
- The development proposed is dropped kerb to provide vehicle access.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that the main issues in this case are:
 - Whether the proposal would cause harm by unacceptably reducing highway safety; and,
 - The effect of the proposal on the character of the area by reason of any unacceptable harm to a protected tree.

Reasons

3. The appeal premises comprise a modern, detached house set back behind a frontage parking area which contains a mature tree which is the subject of a Tree Preservation Order (TPO) confirmed in 2005. The house fronts on to a busy main road; the A449.

Highway safety

4. The frontage parking area has space for 2 vehicles to park parallel to the road. Vehicles parked in this space would be able to turn by making use of the drive between the appeal property and no. 458 Chester Road North and would be able to enter and leave the site in forward gear. The proposed pavement crossing would allow a third vehicle to park in front of the building at right angles to the road. The appellant argues that this arrangement would enable vehicles to enter and leave the site without turning. This may be the case provided that only 2 vehicles were parked on the frontage. However, if 3 vehicles were parked on the frontage, the 'in and out' arrangement would be blocked and, unless a complicated shuffling of the vehicles took place, it is likely that at least one would find it necessary to reverse out into the road. In

his grounds of appeal the appellant makes it clear that his family has 3 cars and, at the time of my visit, 3 cars were parked on the frontage. In my opinion, it would have been necessary to move 2 of these to enable the third to drive off the site in forward gear.

5. Whether a vehicle was reversing out into the road via the proposed access or was driving out in forward gear, the driver's vision to the south would be reliant on a clear view over the neighbours' garden. Whilst this visibility was good at the time of my visit, there is no assurance that this view would be maintained into the future or that it would not be obstructed by vehicles parked on the adjacent drive.
6. In these circumstances I do not consider that the proposal would provide any benefit in terms of vehicles being able to enter and exit the site in forward gear. It would make reversing out into the road more common in circumstances where there is the possibility that the vision of drivers would be obscured. Given the busy nature of the road I do not consider that this would be acceptable.
7. In these circumstances I conclude on the first main issue that the proposal would cause harm by unacceptably reducing highway safety. It would, therefore, be contrary to Policies TR.8 and TR.9 of the adopted Wyre Forest District Local Plan.

Character of the area

8. The protected tree on the frontage area makes a significant contribution to the mature character of the area. Without it, this modern house with its somewhat bland and unenclosed paved frontage would appear out-of-keeping in its more mature surroundings. The health of the tree will already be affected by compression of its root system due to its proximity to the road and to the existing access serving the appeal premises and no. 458. Changes in levels around the tree have already exposed parts of the roots. The proposal would result in the tree being entirely surrounded by surfaced areas over which vehicles would be passing. In my opinion the additional effect arising from the proposal in terms of root compression, albeit in itself relatively limited, would be unacceptable in circumstances where the tree is already under some stress. It is likely to cause material harm to the health of the tree and could lead to its eventual loss.
9. In these circumstances I conclude on the second main issue that the proposal would have a harmful effect on the character of the area by reason of unacceptable harm to a protected tree. It would, therefore, be contrary to Local Plan Policies D.3 and D.4.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Roland Punshon

INSPECTOR