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## Appeal Decision

Site visit made on 27 February 2018

**by Richard S Jones BA (Hons) BTP MRTPI**

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

**Decision date: 21 March 2018**

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**Appeal Ref: APP/P1615/W/17/3189878**

**Land adjacent to Parkend Road, Bream GL15 6JY**

- 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 Chris Watkins, Two Rivers Housing, against the decision of Forest of Dean District Council.
  - The application Ref P0779/17/FUL, dated 12 May 2017, was refused by notice dated 13 September 2017.
  - The development proposed is improvement works to the footpath along Parkend Road, Bream.
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### Decision

1. The appeal is allowed and planning permission is granted for improvement works to the footpath along Parkend Road, Bream, on land adjacent to Parkend Road, Bream GL15 6JY, in accordance with the terms of the application, Ref P0779/17/FUL, dated 12 May 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5424/P/01; 5424/P/10 Rev B; PC055/51 and PC055/54.
  - 3) Details of all surfacing finishes shall be submitted to and approved in writing by the local planning authority prior to works commencing on the site. The proposed paths/steps shall be surface bound. All works shall be carried out strictly in accordance with the approved details and retained thereafter.

### Main Issue

2. The main issue is the effect on the living conditions of residents with mobility impairment.

### Reasons

3. The appeal relates to the footway along the eastern side of Parkend Road, between the dwellings at Nos 13-36. Much of the length of this footway is elevated above the carriageway, at the top of a banked verge. Between Nos 23 and 26A the footpath appears to have been upgraded. The remainder of

the footpath is not fit for purpose or safe. It is very narrow and the extensive areas of bulging and cracked tarmac are trip hazards.

4. The proposal to widen and re-surface would therefore amount to a significant improvement over the existing provision. I appreciate that the footway would still fall short of the width guidance set out in Manual for Gloucestershire Streets – 4<sup>th</sup> Edition, however, having regard to the constraints arising from the banked verge and the existing base position, this amounts to a reasonable compromise and improvement.
5. I recognise that most dwellings either side of Nos 23 – 26A have ramped links close to their frontages from the existing footway level down to the dropped kerbs at the edge of the highway and that these have evolved as pedestrian desire lines. Whilst the proposal would result in a significant reduction in the amount of such links, these in most cases are quite steep, narrow and uneven. As such they are not fit for purpose, being potentially hazardous and unsuitable for use by residents with mobility impairments, as well as by the emergency services, local authority refuse operatives and for persons carrying out deliveries. Moreover, in many cases, cars are parked adjacent to the point where the ramps meet the road thereby blocking access. As parking along this side of the road is unrestricted, there can be no guarantee that those cars belong or correspond to the frontage dwellings. The existing situation is therefore far from satisfactory and reference to the ramps as an existing base position and their benefits to residents with mobility impairments carries very limited weight.
6. I acknowledge that for many residents the distances to be travelled from their dwellings to their cars parked on the highway would be increased. Distances to put out refuse and recycling might also increase. However, this level of inconvenience would be outweighed by the benefits of an improved footpath and links to the highway. I do not consider that it would be necessary for residents to walk along the highway and in conflict with vehicles to reach their cars as suggested because there is a footway on the opposite side of the road. Residents would therefore be able to cross the road from a safer link, walk along the opposite footpath and cross back over at the point of where their car is parked.
7. I have noted that the existing disabled parking bays outside Nos 19 and 22 and that the distances travelled to the new ramps would be increased. However, I reiterate that the existing ramped accesses to these spaces are not suitable for residents with mobility impairments. Moreover, the appellant has advised that these properties have off-road parking at the rear. This is not disputed by the Council and even if this were not the case, my views would remain unchanged.
8. I appreciate that it may be possible to increase the amount of upgraded linkages and that this would be beneficial to local residents. However, I have been appointed to determine the scheme that is currently before me, which in my judgement amounts to a significant improvement on the existing position. On this basis, I conclude that the proposal would in overall terms be beneficial to the living conditions of residents with mobility impairment and to pedestrian safety. Accordingly, the proposal would be in accordance with paragraph 35 of the National Planning Policy Framework which states that development should be designed to give priority to pedestrian and cycle movements, create safe and secure layouts which minimise conflicts between traffic and pedestrians,

and consider the needs of people with disabilities by all modes of transport. The proposal would also promote accessibility and safe local routes, including for those with mobility impairment and would contribute to the creation of healthy living environments for all ages, in accordance with Planning Practice Guidance (PPG).

#### *Other matters*

9. I have noted the queries regarding the type of fencing to be erected at the edge of the footway as well as safety concerns regarding the proposed height. However, as confirmed in the Council's Committee report, 900mm fencing does not require planning permission.
10. The maintenance of the existing grassed verge is not an issue currently before me and I have no evidence that the proposal would result in harm to any existing trees and hedges.
11. I have noted the comments from West Dean Parish Council. However, the alleged breach of equalities legislation has not been specifically set out. In any case, I have found that the proposal would be beneficial to the living conditions of residents with mobility impairment and as such no inequality would be caused.

#### **Conditions**

12. I have had regard to the conditions that have been suggested by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
13. A condition regarding the surfacing of the footpath, ramps, and steps is necessary in the interests of pedestrian and highway safety and the character and appearance of the area. The PPG advises that care should be taken when using pre-commencement conditions. However, in the interests of proper planning and to avoid any potentially abortive works, it is appropriate in this case that details of the surfacing be approved prior to the commencement of any works.

#### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Richard S Jones*

INSPECTOR