



## Appeal Decision

Site visit made on 30 May 2024

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> June 2024

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**Appeal Ref: APP/B1605/D/24/3342098**  
**278 Old Bath Road, Cheltenham, GL53 9AP**

- 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 Peter Lee against the decision of Cheltenham Borough Council.
  - The application Ref 23/02056/FUL, dated 17 December 2023, was refused by notice dated 26 January 2024.
  - The development proposed is a dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL).
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. In the interests of accuracy and brevity I have adopted the description of the proposed development used in the Council's decision letter rather than that used in the original application form.

### Main issue

3. The main issue is the effect of the proposal on highway and pedestrian safety.

### Reasons

4. The appeal property is a detached dwelling. It stands at the junction of Old Bath Road and Kenneth Close, the latter being a cu-de-sac comprised of about 10 dwellings. The appeal property has a small front garden, which the appellant proposes to use for parking, with access being provided at the junction.
5. I saw that several properties fronting Old Bath Road used their former front gardens as parking areas, but those that I saw had no alternative means of providing off-street parking since no rear access was available. That is not the case with the appeal property; it has a lengthy, fenced return frontage onto Kenneth Close, and as I saw, a set of gates, although there was no apparent sign that parking was taking place within the rear garden.
6. The proposed access would be sited at the apex of a bend at the most potentially dangerous spot possible both in respect of vehicles entering and leaving the cul-de-sac, particularly if cars were to leave the proposed space in reverse gear. Forward and lateral visibilities would be curtailed for drivers

creating unnecessary risks of accidents/collisions. Similar considerations would apply to pedestrians crossing the mouth of the cul-de-sac. I acknowledge that the level of traffic using the cul-de-sac would not be high, but it is important that those drivers that use it should be able to do so safely.

7. The appellant would prefer not to use his rear garden for parking since space is limited, and it is considered impractical particularly taking into account the presence of young children. To my mind, however, having regard to what I saw, there seems no convincing reason why a safe parking space could not be designed and accommodated at the rear of the dwelling.
8. I conclude that the proposed car parking space, if built, would unnecessarily increase the risk of accidents at this location thus proving harmful to highway and pedestrian safety. Accordingly, I find a clear conflict with that provision of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) requiring developers to provide safe connections to the transport network.

### **Other matters**

9. I have taken account of all other matters raised in the representations, including the appellant's point that he considers himself to have been treated unfairly, particularly having regard to the presence of similar junction arrangements seen locally. I have noted the examples provided, but I have not been made aware of their provenance in planning terms. Notwithstanding this, their presence does not justify the creation of another potentially dangerous access point.
10. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR