

Appeal Decision

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Appeal Reference:	2021/R0005
Appeal by:	Mr Nat Gordon
Development:	Construction of a Vehicular Access
Location:	116 Alexandra Park Avenue, Belfast
Application Reference:	LA04/2021/9109/G
Procedure:	Written representations with Commissioner's site visit on 13 March 2023
Decision by:	Commissioner Andrea Kells, dated 16 March 2023

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed vehicular access would prejudice the safety and convenience of pedestrians.
3. Under Article 80(8) of the Roads (Northern Ireland) Order 1993, the Department for Infrastructure (hereon referred to as the Department) may give consent for the construction of a permitted means of access to a road where it is satisfied that the safety or convenience of traffic using the road, or which may be expected to use the road, will not thereby be prejudiced. The relevant design guidance for in-curtilage parking at a dwelling is provided in 'Creating Places: Achieving Quality in Residential Developments'. Paragraphs 20.23 and 20.24 set out the minimum dimensions of car parking spaces for proposed in-curtilage driveways and hardstandings. For proposals perpendicular to the carriageway, a minimum length of 6 metres measured from the back edge of the footway by a minimum width of 3.2 metres is advised. The Department nonetheless indicated in their evidence that for older established properties it considers a reduced standard of 4.8 metres length within the curtilage to be appropriate.
4. The appeal site comprises the front garden of a two-storey semi-detached dwelling at 116 Alexandra Park Avenue. Alexandra Park Avenue is a primarily residential street which links Antrim Road to York Road. The carriageway is in the region of 7.5 metres in width with footways on both sides. The footway measured from the front edge of the footway to the appeal site is approximately 3.8 metres. There is a mix of semi-detached and terraced dwellings along this part of Alexandra Park Avenue. The southern side of the road consists of terraced dwellings between Esther Street and Brantwood Street and semi-detached dwellings between Brantwood Street and Jellicoe Avenue. The northern side of the road consists of predominately terraced dwellings. The dwellings in the vicinity of the appeal site rely solely on on-street parking.

5. The proposal as shown on the submitted sketch layout drawing accompanying the application indicates the use of a gated access and hard landscaped area for the purposes of in-curtilage car parking. It will involve the lowering of levels to accommodate the vehicular access. The appellant indicated that the length of the area combined with the width would allow his car to be securely parked without overhang onto the footpath. The available space at the front of the dwelling to park a car perpendicular to the road without obstructing the front door is 3.83 metres in length. This falls short of the 6 metres as set out in Creating Places and is not sufficient to park a normal sized car perpendicular to the road without it projecting onto the public footpath. This is the case even under the reduced standards.
6. The width of the hardstanding area is six metres, parking at an angle is not envisaged in Creating Places and there is no mechanism for enforcing this once an Article 80 consent is issued. Whilst it may be physically possible to accommodate a car in this space, a driver attempting to park a vehicle into such a restricted space may be forced to carry out a number of manoeuvres. They may be required to cross and re-cross the footpath especially if cars are parked close to the access point. Given the position of the proposed parking in relation to the road, street light and entrance gates, I share the Department's concerns about pedestrian safety during such manoeuvres. Furthermore, whilst the appellant argues that the road kerbs are lowered enough for access, the extent of the access to the in-curtilage parking space would impact on the availability of on-street parking for residents and visitors to the other properties in the street.
7. Whilst the appellant raised concerns regarding the level of parking on the footpath in the area, on-street parking is available and any limitations in relation to this do not override the statutory test that must be applied to applications such as this. I consider that the area to the front of No. 116 Alexandra Park Avenue is inadequate to provide an in-curtilage parking space without prejudicing the safety and convenience of pedestrians. The Department has sustained its reason for refusal. Accordingly, the appeal must fail.

This decision is based on the sketch layout drawing submitted with the DFI Application for Vehicular Access form, received by the Department on 2 December 2021.

COMMISSIONER ANDREA KELLS

List of Documents

Department: -

“A” Written Statement of Case
Department for Infrastructure Roads