
Appeal Reference:	2023/R0001
Appeal by:	Ms. Camelia Tamas.
Appeal against:	The refusal of consent for a permitted means of access.
Proposed Development:	Construction of vehicular access.
Location:	185 Ravenhill Avenue, Belfast, BT6 8LE.
Authority:	DfI Roads - Eastern Division.
Application Reference:	LA04/2023/9040/G.
Procedure:	Written representations with Commissioner's site visit on 22 nd May 2024.
Decision by:	Commissioner Kieran O'Connell, dated 14 th June 2024.

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 road users.
3. Under Article 80(8) of the Roads (Northern Ireland) Order 1993, the Department for Infrastructure (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 be prejudiced.
4. The appeal site comprises the enclosed front garden area of No. 185 Ravenhill Avenue, a two-storey semi-detached dwelling. It backs onto a commercial vehicle sales premises. There is a streetlight outside the front garden of No.185 adjacent to the western common boundary with No. 183b Ravenhill Avenue. A single yellow line road marking is to the front of No. 185 and No. 187. Ravenhill Avenue comprises a mix of semi-detached and terraced dwellings several of which have in-curtilage parking provision. However, most of the dwellings rely on on-street parking. Layby parking is available immediately to the west of No. 185 in front of the more recently constructed dwellings at No. 173-183b.
5. The Appellant seeks a dropped kerb to provide in-curtilage parking to the front of No. 185 Ravenhill Avenue. The Department considers that there is insufficient

space within this area to manoeuvre a vehicle of normal size and park it either perpendicular to the road or parallel to the public footpath without causing prejudice to the safety and convenience of pedestrians. The Department also consider that a vehicle parked perpendicular to the carriageway would overhang the footpath, forcing pedestrians onto the carriageway and the alternative parallel parking would require a series of manoeuvres necessitating the crossing of the footpath due to the confined space available.

6. Section 20 of the guidance document Creating Places (CP) contains details of the number of parking spaces and the dimensions of the types of parking spaces required for various development proposals. Paragraphs 20.23 and 20.24 provide guidance on in-curtilage parking, setting out the minimum dimensions of an in-curtilage parking space as being 6.0m in length measured from the back edge of the footway by a minimum width of 3.2m.
7. The Department referred to the minimum acceptable parking space standard for older established properties, such as this, as being 4.8m in length by 2.4m in width with a 0.8m strip at the back for vehicle overhang and a minimum 6.0m manoeuvring space for access. These dimensions are predicated on a parking layout where the space is aligned perpendicular to the carriageway. Paragraphs 20.28 and 20.29 of CP concern parking bays contiguous with the carriageway, including those parallel to the carriageway. However, I note the proposed in-curtilage parking space is not contiguous with the carriageway but separated from it by the footpath.
8. The parties dispute the available space within the front garden area at No.185. The Appellant considers that the available space is approximately 6.5m in width by 4.5m deep. The Department consider that the available space is 4.56m from the front façade to the back of the public footway within an internal width of 5.86m from boundary to boundary at the rear of the public footway widening to 6.52m from boundary to boundary adjacent to the façade of the dwelling. A streetlight is also noted adjacent to the western boundary.
9. The Appellant argues that sufficient space exists to accommodate a parking space, however, even accepting the Department's marginally more conservative figure of 4.56m in depth, it would not be possible to park a vehicle of normal size (circa 4.8m) perpendicular to the road, without it projecting onto the public footpath by approximately 0.24m. The depth of the parking space falls short of the 6 metres required and even the reduced standard of 4.8m. This parking arrangement would reduce the width of the footpath available to pedestrians from 2.4m to 2.16m. Whilst this is above the 2.0m minimum standard set out in Section 14 of CP for a footpath, it would require a parked vehicle to touch the façade of the building which is unlikely to occur. Therefore, I agree with the Department that the safety and convenience of pedestrians and other road users would be prejudiced, potentially forcing them off the footpath into the road, and endangering their safety including wheelchair users and parents with prams. This would be further exacerbated should the owner/occupiers buy a vehicle in excess of the average vehicle size and there is no guarantee that future owners would not have larger than average vehicles.

10. Whilst it is unclear from the evidence whether the Appellant would intend to parallel park into the space, I will consider this scenario in the interests of completeness. The Department argue that there would be insufficient space within the area at the front of the property to safely manoeuvre a vehicle of normal size into and out of a parallel parking space because part of the vehicle may project into the public footway. Additionally, they argue that when undertaking the parking manoeuvres into such a confined space, the driver's attention may be distracted away from pedestrians on the footway.
11. Whilst it may be physically possible to park a vehicle of normal size in this space, I agree with the Department that a driver attempting to park a vehicle in such a restricted space will be forced to undertake a series of manoeuvres in forward and reverse gears leading to the crossing and re-crossing of the pedestrian footway multiple times. This would be further impinged by the lighting column outside No.185 and by vehicles parked adjacent to the footway within the nearby layby parking area. Both would restrict a driver's ability to carry out such a manoeuvre. Furthermore, when on-site, I witnessed parking on the footpath in front of No. 185 and No. 187 despite a single yellow line on the road prohibiting waiting and parking. Given the limited size available to the front of No. 185 for the parking of a vehicle, the presence of a parking bay and a streetlight obscuring visibility, I share the Department's concerns regarding pedestrian safety. The inter-visibility available for a driver exiting the property from a parallel position would be unacceptably reduced. Furthermore, I agree with the Department that an additional consequence of granting consent would be the loss of much needed on-street parking adjacent to No.185 for nearby residents and visitors.
12. Even if I were to conclude that a normal-sized vehicle could be parked either parallel or perpendicular within the available space, there is no mechanism for enforcing this arrangement once an Article 80 consent is issued. Moreover, if approved, it would set a precedent making it difficult to refuse applications for other properties in the area with similar space limitations, thereby further prejudicing the safety and convenience of pedestrians.
13. The Appellant argues that other (unspecified) properties in the area have dropped kerbs to the front of their properties. However, I have no persuasive evidence before me to suggest that those properties benefit from having Article 80 consent nor that they are directly comparable to the appeal site before me. Therefore, the presence of dropped kerbs in the area does not justify the granting of consent in the evidential context provided.
14. Whilst the Appellant raised concerns regarding the limited nature of on-street parking in the area, I accept that it can be problematic at times given the quantum of vehicles parked in the area around the appeal site. However, this issue along with the other matters raised do not outweigh the objection to the proposal on road safety grounds. Accordingly, the appeal must fail.

This decision is based on the sketch layout drawing submitted within the Appellant's Statement of Case dated 14th March 2024.

COMMISSIONER KIERAN O'CONNELL

List of Documents

Planning Authority: - Statement of Case by the Department for Infrastructure Roads.

Appellant: - Statement of Case by Ms. Camelia Tamas.