
Appeal Decision

Site visit made on 26 July 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 12th September 2016

Appeal Ref: APP/E3715/W/16/3145467

82 Bilton Road, Bilton, Rugby CV22 7AX

- 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 Mrs Karen Dowdy against the decision of Rugby Borough Council.
 - The application Ref R15/0949, dated 13 November 2015, was refused by notice dated 18 December 2015.
 - The development proposed is a vehicle crossing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - highway safety;
 - the character and appearance of the area.

Reasons

Highway Safety

3. The appeal property is in the middle of a row of three detached properties on the north side of Bilton Road between its junctions with Webb Ellis Road and Bloxan Gardens. Opposite the appeal site is a ghost island for vehicles turning right into Webb Ellis Road.
 4. The proposed development would involve the installation of a dropped kerb to provide a vehicle cross over to allow the use of the front garden of the appeal property for parking.
 5. The Highway Authority have objected on the grounds of insufficient evidence to demonstrate that vehicles could enter and leave the proposed parking spaces in a forward gear and that vehicles turning right into the proposed parking spaces may need to wait and thus obstruct the ghost island and potentially cause vehicle collisions.
 6. Based upon the evidence before me and the relatively large area of space to the front of the appeal property, I am satisfied that vehicles would be able to turn within the site and thus enter and leave the proposed parking spaces in a forward gear. However, on my site visit at around mid-morning on a weekday, I observed Bilton Road to be relatively busy, with an almost continuous flow of
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traffic. I also noted cars turning right into Webb Ellis Road from Bilton Road. Those vehicles entered the ghost island opposite the appeal site and waited for a short period opposite the junction before they were able to make the right turn.

7. I acknowledge that Webb Ellis Road is a cul-de-sac and I note that the level of traffic using Webb Ellis Road is intermittent and subject to seasonal variations. However, given the level of traffic on Bilton Road, I find it highly likely that vehicles using the proposed access would need to wait in the ghost island to enter or leave Bilton Road. Furthermore, the entrance to the ghost island is just after a bend in Bilton Road, which reduces visibility and should any vehicles leaving or entering the proposed access need to wait in the ghost island they would obstruct vehicles entering the ghost island. This would also increase the risk that vehicles would need to stop on Bilton Road to wait to enter the ghost island. Therefore, in my view, the likely obstructions as a result of the proposed development would significantly increase the risk of vehicle collisions, which would be harmful to highway safety.
8. In reaching these conclusions, I acknowledge the other examples of vehicle cross overs close to ghost islands on Bilton Road. However, the full details of those examples are not before me, particularly the circumstances surrounding any planning approval. Nonetheless, notwithstanding these examples the presence of development or existence of a planning permission is not sufficient to justify a development as each case should be considered on its merits. I also note the appellant's suggestion to use signage to draw attention to the risk; however, in my view, this would not overcome the harm.
9. For these reasons, I conclude that the proposed development would be harmful to highway safety. It is therefore contrary to the aims of paragraph 32 of the National Planning Policy Framework (the Framework), which seeks to ensure a safe and suitable access can be achieved to serve new development.

Character and appearance

10. The appeal property is a relatively large detached dwelling which sits slightly elevated from the road in a relatively spacious plot.
11. At the time of my site visit, the boundary wall and planting along the front boundary had been removed. However, this affords more open views of the appeal property which has a traditional character and provides a positive contribution to the Bilton Road street scene. Thus, I find the proposed development would not harm the character and appearance of the area.
12. In this regard, the proposed development would comply with the good design aims of the development plan and the Framework. It would specifically comply with Policy CS16 of the Rugby Borough Council Local Development Framework Final Version Core Strategy (2011).

Conclusion

13. For the reasons given above, whilst I have found no harm to the character and appearance of the area, I have found harm in terms of highway safety which is the prevailing factor and I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR