
Appeal Decision

Site visit made on 31 October 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 04 November 2016

Appeal Ref: APP/P2114/D/16/3159624

100 Avenue Road, Sandown, Isle of Wight PO36 8BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr W O'Meara against the decision of Isle of Wight Council.
 - The application Ref P/00162/16, dated 8 March 2016, was refused by notice dated 4 July 2016.
 - The development proposed is described on the application form as '*proposed vehicle parking to front of the property and creation of a drop-kerb to enable access*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the safe operation of the highway network in the vicinity of the appeal site.

Procedural Matter

3. The Council have used an alternative description of the development proposed within their decision notice, '*demolition of boundary fence; formation of vehicular access*'. I have, however, taken the description of development in the banner heading above from that used in the original application form as it does not appear to be inaccurate based on the plans before me, and as it was the development for which permission was originally sought.

Reasons

4. No 100 Avenue Road is a modest semi-detached property of understated traditional form set within a comparatively dense residential area of Sandown. Set back from the highway by some distance it sits within a narrow rectilinear plot which is demarcated to the front principally by a low level fence which is proposed to be removed. As such No 100 is in form, plot size and boundary treatment consistent with the prevailing nature of properties nearby.
 5. A substantial concrete and stone wall runs along the common boundary with neighbouring No 102. At the junction of this wall with the pavement two brick
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posts topped with coping stones are present which appear to fall within the plots associated with Nos 100 and 102. The common boundary with No 98 is demarcated by a tall bank of established vegetation, and a concrete wall is situated along the front boundary of the plot of that property. It appeared to me from my site visit that the front boundary features of neighbouring properties are of such a height that they would significantly impede views of traffic using the highway from the vantage point of a seated driver located directly in front of No 100.

6. Avenue Road is a largely straight classified highway. In this location a 30 mile per hour speed limit applies. It appeared to me that Avenue Road is a main route for traffic given that it is the most direct route between Sandown High Street and Morton Road, which is in turn the principal highway connecting with Ryde to the north. Whilst there is no detailed evidence before me in respect of traffic levels generally experienced here, at the time of my site visit, mid-afternoon, I witnessed a regular flow of traffic.
7. Given the comparatively dense location of the appeal site, as properties do not commonly benefit from off-street parking owing to the historic origins of the area, and as a consequence of the presence of various parking restrictions nearby, there is undoubtedly some pressure on that parking provision which presently exists.
8. Policy DM2 '*Design Quality for New Development*' of the *Island Plan: The Isle of Wight Council Core Strategy* adopted on 21 March 2012 (the 'Island Plan') sets out the Council's approach to securing high quality design and requires that development should be both functional and safe. Similarly the *National Planning Policy Framework* (the 'Framework') establishes that decisions should take account of whether safe and suitable access to a site where development is proposed can be achieved, and that severe residual cumulative impacts of development may justify refusal of permission.
9. Section 7 of the Government's *Manual for Streets* sets out that the stopping site distance (SSD) adjusted for vehicle bonnet length, i.e. the typical distance required for vehicles to come safely to a stop, for a carriageway where vehicles travel at 30 miles per hour is 43 metres. Paragraph 7.7.6 thereof sets out that in most built-up situations the SSD should be calculated from a point 2.4 metres back from the edge of the highway, and paragraph 7.7.7 that a minimum set back distance of 2 metres may be used in certain circumstances.
10. Drawing No A110-105 supporting application Ref P/00162/16 indicates the path of a 43 metre visibility splay in either direction from the appeal site measured from a set back distance of 2 metres from the highway. However this splay transgresses both the front boundary features of neighbouring Nos 98 and 102 described above, and indeed No 102 itself. These impediments to visibility are not within the ownership of the appellant, nor is there any indication in the information before me that an agreement has been entered into to secure their modification.

11. I acknowledge that the presence of parked cars may reduce the visibility that could be achieved from the access proposed in any event and that there is no evidence before me of observed traffic speeds in this location. Nevertheless it appeared to me that the visibility that would be achieved from vehicles making use of the parking proposed would, on account of the presence the boundary features identified above, fall substantially below that which is recommended in Manual for Streets. A representation in respect of the proposal on behalf of Island Roads, being the highway authority, reinforces this view in indicating that by their calculations the visibility achieved would be limited to 27 metres and 16 metres northwards and southwards respectively.
12. Given that Avenue Road appears to accommodate a regular flow of traffic as a consequence of the role that the highway serves, as indicated above, such limited visibility is in my view clearly liable to be unsafe. Whilst there are no reported traffic incidents nearby within the last 3 years, this does not justify inappropriate development.
13. I therefore find that the proposal would have a potentially severely adverse effect on the safe operation of the highway network in the vicinity of the appeal site. The proposal therefore conflicts with the relevant provisions of policy DM2 of the Island Plan and with relevant elements of the Framework and Manual for Streets.

Other Matters

14. I acknowledge that the proposal would be of benefit to the appellant, however this would be chiefly a private benefit and there is nothing in the evidence before me to indicate that the continued domestic use of the property would inherently be compromised by the absence of dedicated off-street parking. As such this benefit does not outweigh the public harm likely to arise.
15. I also accept that the proposal would alleviate some pressure for on-street parking as Sandown Town Council have noted. However the benefit of one additional off-street parking space would be highly limited given the prevailing nature of parking within the area.
16. The appellant has brought to my attention, via his appeal statement and associated photographs, various instances of vehicular accesses and junctions in the wider area which benefit from limited visibility.¹ I was able to view these during my site visit, and it appeared to me that most are historic features of the area rather than modern additions. There is moreover no information before me as to the planning considerations, if any applied to their establishment.
17. In any event the existence of substandard accesses elsewhere does not justify development that would be detrimental to highway safety in the present, and I must determine the proposal before me on its particular merits. As a consequence neither this, nor any other matter, is sufficient to outweigh my findings in respect of the main issue in this case.

¹ 104 Avenue Road, Fort Mews, Fort Holiday Park, 53a Avenue Road.

Conclusion

18. For the above reasons, and taking all other matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR