The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/E1210/W/16/3155529
130A Salisbury Road, Burton, Christchurch BH23 7JN

- 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 Bradley Oliver against the decision of Christchurch Borough Council.
- The application Ref 8/16/0533/HOU, dated 16 April 2016, was refused by notice dated 26 July 2016.
- The development proposed is described on the application form as a 'dropped curb to front elevation onto the classified road'.

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.

Reasons

3. No 130A falls on the eastern side of Salisbury Road within the village of Burton. The front boundary of the property's plot is demarcated by a brick wall of approximately 900 millimetres in height which abuts the pavement running alongside the carriageway. There is a wrought iron gate set centrally within this wall, however no dropped kerb.

4. The front boundary wall of adjoining No 130 is of similar height to that of No 130A, with some planting of greater height set behind it. The front boundary wall of neighbouring No 132 is demarcated by a low-level stone wall, which is overgrown by a dense hedge reaching a height exceeding standing eye level.

5. The area nearby the appeal site includes various uses which result in a significant number of vehicular and pedestrian movements including a shop, doctor's surgery and day nursery: there are keep clear markings on the opposite side of the carriageway to the appeal site associated with the latter. In this location Salisbury Road has a gently curving orientation and is subject to a 30 miles-per-hour speed limit.

6. Dedicated off-street parking is not commonplace nearby owing to the historic origins of the area, with parking instead principally on-street. Several vehicles were parked along the eastern side of Salisbury Road close to the appeal site at the time of my site visit, mid-afternoon, however this did not prevent the simultaneous use of the carriageway by vehicles travelling in opposite directions.

7. Policy KS11 'Transport and Development' of the Christchurch and East Dorset Local Plan: Part 1- Core Strategy adopted by the Council on 22 April 2014 (the Local Plan) requires that development provides safe access onto the existing transport network. Similarly the National Planning Policy Framework (the Framework) sets out that planning decisions should take account of whether safe and suitable access can be achieved.

8. The Government's Manual for Streets (MfS) guides that the visibility at junctions with carriageways should generally meet the stopping site distance (SSD) of vehicles travelling in that location, being the typical distance required for vehicles to come safely to a stop. Table 7.1 thereof establishes that the SSD for a carriageway where vehicles travel at 30 miles per hour, adjusted for bonnet length, is 43 metres.[1] It further sets out that this should typically be calculated along the nearside kerb relative to that of the access, and that no obstruction to visibility greater than 600mm should exist in order to ensure that small children walking along pavements can be seen.[2]

9. The proposal is to drop the kerb for a stretch of approximately 4 metres in order to facilitate vehicular access with Salisbury Road. The appellant has provided an untitled drawing of the visibility that he has calculated would thereby be achieved (the drawing), and there is also a report before me prepared by Dorset County Council being the relevant highway authority, dated 17 October 2016, which refers to this drawing.

10. In correspondence submitted at appeal, dated 29 November 2016, the appellant has clarified that based on his measurements visibility from the access proposed 'to the left', i.e. southwards, would be 25.5 metres and visibility to the right 24 metres. Whilst this visibility exceeds the figures annotated on the drawing, in both directions it nevertheless falls substantially below that recommended by MfS of 43 metres as set out above.

11. I would furthermore note that it appears that the drawing illustrates visibility to the centre of the carriageway rather than to the nearside curb. This does not accord with the standard approach in MfS and indicates that visibility may in this context be more limited than the measurements given.

12. I acknowledge that there are no recently recorded traffic incidents which relate to the nature of the highway in this location,[3] and that drivers may adopt a precautionary approach to driving in the area around the appeal site given that it is within a village and on account of the presence of cars parked on-street. However there is no methodical information before me in respect of observed

[1] I note the appellant makes reference to a SSD of 23 metres at appeal. For the avoidance of doubt this is instead the value given in MfS where vehicles travel at 19 miles per hour, or 30 kilometres per hour, rather than 30 miles per hour as is the speed limit adjacent to the appeal site.
[2] At paragraphs 7.7.3 and 7.6.3 of MfS respectively.
[3] The incidents identified within the Dorset County Council report nearby appear to relate to driver error.

traffic speeds in this location to robustly indicate that a lower level of visibility than that typically required by MfS is appropriate.

13. There is good forward visibility when travelling along Salisbury Road in both directions on account of its orientation, there are a number of uses located nearby that generate significant vehicular movements, and the carriageway is sufficient in width opposite the appeal site to allow for two vehicles to pass at a time despite the presence of on-street parking. These factors in my view indicate that Salisbury Road in this location is well-frequented by traffic and pedestrians, and indeed that driving speeds may not be significantly lower than that of the speed limit.

14. The appellant has also indicated that he is willing to reduce the height of the boundary wall to 600 millimetres if necessary. Whilst this would improve the visibility from which the access benefits with regard to pedestrians, it would not in my view significantly improve visibility in relation to vehicles using the carriageway given that such visibility appeared to me to be chiefly constrained by the boundary features of neighbouring properties identified above which are not within the appellant's control.

15. There is moreover no indication that any agreement has been entered into by the appellant to secure the modification of the boundary features of neighbouring properties which constrain the level of visibility that can be achieved. As such the impediments posed by neighbouring boundary features cannot reasonably be overcome by the imposition of an associated condition were permission to be granted.

16. I appreciate that the access would clearly be more convenient for the appellant and his wife who is has specific health requirements, particularly given current parking pressures that arise for on-street parking on account of the nature of the area. However there is no robust evidence before me in respect of parking pressures in the area, many other properties nearby do not benefit from off-street parking, and as a consequence it does not appear to me that the continued domestic use of the property would inherently be compromised by the absence of the development proposed. I cannot therefore accord the benefits of the proposal significant weight in its favour.

17. I also acknowledge that the visibility achieved from the vehicular access of properties nearby which do benefit from off-street parking is on occasion limited, such as in respect of Nos 132 and 136 Salisbury Road. However it appeared to me that such accesses may be long-standing features which were created before the current guidance in MfS was in place. There is moreover limited information before me as to the planning considerations that applied to their establishment, and in any event the existence of sub-standard accesses does not serve to justify unacceptable development in the present.

18. For the above reasons, I conclude that the proposal is likely to result in a severely adverse effect on the safe operation of the highway network in the vicinity of the appeal site which is not outweighed by the benefits of the development proposed. The proposal therefore conflicts with the relevant provisions of policy KS11 of the Local Plan and with relevant elements of the Framework and of MfS.

Other Matter

19. Whilst the appeal site falls within the Burton Conservation Area, the Council are not of the view that the proposal would fail to preserve the character or appearance thereof. There is nothing in the information before me to arrive at a different assessment given the modest nature of the development proposed. Nevertheless the absence of adverse effects in this respect is essentially neutral in the balance of determining whether the proposal is acceptable, and consequently does not outweigh or alter my findings in respect of the main issue in this case.

Conclusion

20. For the above reasons, and having taken into account all other matters raised, I therefore conclude that the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. Accordingly I dismiss the appeal.

Thomas Bristow

INSPECTOR