
Appeal Decision

Site visit made on 23 January 2017

by Veronica Bond LLB (Hons), Solicitor (non-practising)

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

Decision date: 7 February 2017

Appeal Ref: APP/G1250/W/16/3161274

900 Castle Lane East, Bournemouth BH7 6SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Trustees of the Alice Ellen Cooper-Dean Charitable Foundation against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-16679-B, dated 25 May 2016, was refused by notice dated 8 August 2016.
 - The development proposed is the erection of a pair of semi-detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with access, layout and scale to be determined at this stage and appearance and landscaping reserved for future determination.

Main Issue

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

Reasons

4. The appeal site currently comprises a semi-detached dwelling, and detached property which is divided into flats. The overall plot is relatively large and provides off street parking for the properties. There is an existing shared access which is positioned adjacent to a cycleway and just before a set of traffic lights.
5. At the point where the access joins the road, the road is divided into multiple lanes for traffic turning right into Riverside Avenue and for traffic heading straight on. There is a cycle lane at this point also although this moves off the road shortly after the existing access. The road appears to see very high traffic levels, being designated as a County Distributor Road and very close to a large supermarket.
6. The proposal would introduce a pair of semi-detached dwellings on to the site, in addition to the existing house and flats. Saved Policy 8.1 of the Bournemouth District Wide Local Plan (February 2002) (LP) states that development will be permitted on primary or county distributor routes where it

- will not result in direct access, parking, or turning movements on these roads or in the case of existing developments, where access will be improved.
7. As part of the proposal, the existing access to the properties would be closed and a new access created at a more central point on the site frontage. The appellant contends that this would make for an improved access in the terms of saved Policy 8.1. The new proposed access would though be positioned at a point in the road just before where it splits into multiple lanes. On this part of the road, drivers would be particularly focused on planning their movement into the upcoming lanes and avoiding collisions with other vehicles doing the same.
 8. As such, although movements in and out of the proposed access would technically involve crossing fewer lanes of traffic, such movements would be at a more dangerous part of the road than per the present access. At the point of the present access, drivers would already have changed lanes and would also be more likely to be stationary due to cars being closer to the traffic lights at this point.
 9. There would be some advantages to the proposed access including as regards its increased width which would enable two cars to pass, and improved visibility enabling cars using the proposed access to see and be seen, as well as for users of the cycle path in terms of visibility. Cars can though at present, in line with the preamble to saved Policy 8.1, enter and exit the site in forward gear given the space available for turning on site. Further, as outlined above, the position of the proposed access would not render it an improvement on the existing, given driver focus at this point being on getting into lane. Visibility benefits to cyclists would be limited as they would most likely either turn left here and continue on the cycle lane on the footway, or else would stop before reaching the road to assess the making of a safe manoeuvre.
 10. Whilst traffic might be moving slower at the point of the proposed access due to the need to get into lane, nonetheless drivers would be far less likely to notice cars emerging from the proposed access at this point, due to their focus being on the act of getting into lane. Further, as the existing access is closer to the traffic lights, traffic would be queued and stationary or significantly slowing at this point if the lights were red, giving cars entering and exiting the appeal site a good prospect of a safe manoeuvre. Benefits of using the Holdenhurst Avenue slip lane to turn into the proposed appeal site access are outweighed by the adverse effects of the proposed access being located at a generally more dangerous point in the road.
 11. The high number of accidents in close proximity to the site confirms that this is a dangerous location for car manoeuvring. Although the appellant contends that accidents could be higher given the volume of traffic and that none of the accidents were attributable to the use of private driveways, this does not alter the fact that this is a sensitive location for additional turning movements and that the risk of collision remains. Manual for Streets indicates that few accidents turning in and out of driveways occur even on heavily trafficked roads. However, it would appear that Castle Lane East sees much higher traffic levels than those envisaged in that document.
 12. I acknowledge comments also regarding TRICS data provided by the Council and that, even taking the highest figure, the number of increased trips from the site would be relatively small. The scheme also seeks to reduce the

overprovision of parking on site, thus discouraging an excessive number of movements. That said, as the access proposed would be at a more dangerous point in the road and given the accident clusters close to the appeal site, including a number of serious collisions, I nonetheless consider that the residual cumulative impacts from the proposal would be severe in the terms of the National Planning Policy Framework (Framework) and that the proposed access would not be safe and secure.

13. I find therefore in respect of the main issue that the proposal would have an adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. It would fail to accord in this regard with saved Policy 8.1 of the LP as outlined and would conflict with the aims of Policy CS41 of the Bournemouth Local Plan: Core Strategy (adopted October 2012) to ensure that development contributes positively to the safety of the public realm.

Other Matters

14. The proposal seeks to make more efficient use of land and would provide two units of additional housing accommodation in a relatively sustainable location in line with the Framework's aims of boosting the supply of housing, adding to the choice of homes and encouraging innovation. This offers modest weight in favour of the proposal.
15. I note comments that there would be no adverse effects on the character and appearance of the area but this is only a neutral factor. Matters relating to the proposed unallocated parking provision could, I agree, be appropriately dealt with by condition. Concerns as to the Council's handling of the application and numerical and similar errors in its appeal statement have not affected my determination of the merits of the appeal.
16. The appellant has submitted a planning obligation in the form of a Unilateral Undertaking in relation to the provision of mitigation in respect of the effects of the proposal on the Dorset Heathlands Mitigation Strategic Access Management and Monitoring. This has, I understand, been approved by the Council. On the basis that I am dismissing the appeal for other reasons, I have not dealt with this any further.

Conclusion

17. The proposal would bring forward some modest benefits as outlined but these do not outweigh the development plan conflict and harm found. Given the tripartite definition of sustainable development in this Framework, the proposal would not therefore represent the sustainable development in respect of which the Framework creates presumption in favour. For the above reasons, I find that the appeal should fail.

Veronica Bond
INSPECTOR