

Appeal Decision

Site visit made on 13 March 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/L3815/W/16/3165180

Tidewall Cottage, 85 East Street, Selsey, West Sussex PO20 0BU

- 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 Seal Island Limited against the decision of Chichester District Council.
 - The application Ref SY/16/00373/FUL, dated 2 February 2016, was refused by notice dated 23 June 2016.
 - The development proposed is described as 'Erection of a house. Resubmission of SY/15/04116/FUL'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety on East Street.

Reasons

3. The site was formerly part of the side garden of Tidewall Cottage and lies in an accessible location within the settlement boundary of Selsey, where the Council does not object to the principle of the proposal. East Street has an attractive street scene, including historic properties and boundary walls, many of which are set very close to the highway. There is on street parking along one side, with double yellow lines along the appeal site side of the road. Some existing properties have vehicular accesses, with or without on-site turning provision, and some have no vehicular access from East Street.
 4. It is proposed to construct a three bedroom detached house on the site, with a new access provided from East Street. There would be insufficient space to provide both parking and turning on site in association with the proposed house and so a turntable parking area is proposed. The road is 'C' classified and subject to a 30mph speed restriction. I note that there have been no recorded accidents in the immediate vicinity of the site.
 5. I visited the locality between approximately 0800 and 0830 on a Monday morning, during which time I observed moderate levels of vehicular traffic, including several buses. I also observed cyclists using East Street and various pedestrians including children walking towards the primary school further along the road. Most vehicles appeared to be travelling at speeds of around 30mph, and I did not observe any apparently exceeding the speed restriction by a significant amount.
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6. It is apparent that visibility splays consistent with the stopping sight distance (SSD) of 43m indicated in the Manual for Streets for a 30mph road cannot be achieved in either direction, even when a reduced 'X' axis from 2.4m to 2m is considered and an offset of 1m from the nearside carriageway edge is allowed for. The local highway authority considers that on this basis maximum splays of 23m and 14m would be achievable. In SSD terms, this would relate to vehicle speeds of 19mph and 12mph respectively. The road is relatively straight and despite the traffic calming effect of nearby parked cars, it seems unlikely to me, including on the basis of my site visit, that traffic would generally travel at speeds as low as that on this section of East Street.
7. No speed survey has been provided to demonstrate that reduced SSD assumptions would be reasonable here, and therefore I consider that it has not been demonstrated that adequate visibility can be achieved for the road conditions, or that a reduced level of visibility is justified by the road conditions. The appellant's view that splays of 50m and 23m can be achieved relies on an 'X' axis of just 1m. This would require an average vehicle to have entered the highway before the driver would benefit from such visibility, and I am not satisfied that it has been demonstrated that such a limited 'X' axis would be satisfactory here. While I note that there are several accesses nearby, some of which appear very longstanding, where such a manoeuvre would be necessary, this in itself does not justify the provision of an additional access with significantly substandard visibility.
8. I note that the provision of a turntable would allow cars to be turned mechanically so that drivers could enter and exit the site using a forward gear. I accept that this represents an improvement compared to the previously proposed provision of on-site parking without any turning facility, and I note that this forms the basis of the local highway authority's acceptance of an 'X' axis reduced to 2m. However, I am not persuaded that the provision of the turntable would overcome my significant concerns relating to the substandard achievable visibility. Moreover, while I accept that turntables can provide parking and turning solutions in certain circumstances, they require drivers to manoeuvre carefully onto the turntable and then wait for it to operate. Here, with a very short driveway emerging directly onto the road, using the turntable would be less convenient than simply reversing out of, or in to, the site. In addition, I consider that a planning condition prohibiting such reversing manoeuvres would not be enforceable and the likelihood of long term operation and maintenance of the turntable would be questionable.
9. I conclude that the proposal would be detrimental to highway safety on East Street. It would therefore conflict with adopted Policy 39 of the Chichester Local Plan: Key Policies 2014-2029 (CLP), which among other things seeks to ensure that development would have safe and adequate means of access and internal circulation/turning arrangements.

Other Matters

10. I note the appellant's concerns that conflicting advice has been provided by the local highway authority in relation to the appeal site, and when compared to visibility splays accepted where planning permission has been granted elsewhere. Notwithstanding, I have considered the appeal proposal on the basis of the evidence before me and the merits of the specific scheme. Furthermore, I cannot know whether road conditions elsewhere would have

been directly comparable at the time the Council made its previous decisions, and the local highway authority advises that its pre-application advice is given on a without prejudice basis.

11. The appellant considers that the proposal meets all the relevant criteria of Policy 33 of the CLP, which relates to new residential development. The Council has not disputed this, relying on Policy 39 in its reason for refusal which I have considered in relation to the main issue above. My findings in that respect are not diminished by the apparent lack of conflict with Policy 33.
12. The appellant has provided an additional plan (Drawing 3D) with the appeal which indicates the proposed turntable and amended visibility splays of 15m and 32m. The Council advises that this plan was not available for consideration when it determined the application, has not been subject to public consultation, and does not overcome its reason for refusal. I have determined the appeal on the basis of the plans considered by the Council when it determined the application. However, I have also had regard to Drawing 3D, the content of which does not have any material bearing on my findings above.
13. The site lies within the 3.5km zone of influence for the Pagham Harbour Special Protection Area (SPA). It is established that any development resulting in a net increase in the number of dwellings within the zone of influence, without avoidance or mitigation measures, would be likely to have a significant effect on the SPA within the meaning of the Conservation of Habitats and Species Regulations 2010. The appellant has provided a signed copy of a S106 Unilateral Undertaking in respect of contributions towards strategic access management and monitoring measures (SAMM) and the Council advises that it has received the associated SAMM monies. I am therefore satisfied, in the absence of any significant evidence to the contrary, that there would be no likely significant effects arising from the development and no conflict with adopted Policy 51 of the CLP. Accordingly I am also satisfied that the development would not affect the overall integrity of the SPA.

Conclusion

14. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR