
Appeal Decision

Site visit made on 2 May 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/Z1775/W/16/3161541
75-77 Goldsmith Avenue, Southsea PO4 8DX

- 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 Mr & Mrs Maurice & Teresa Parkin against the decision of Portsmouth City Council.
 - The application Ref 16/00923/HOU, dated 7 June 2016, was refused by notice dated 29 July 2016.
 - The development proposed is a vehicle crossover to frontage of both 75 & 77 Goldsmith Avenue as one complete ramp.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety and the free flow of traffic.

Reasons

3. The proposal would provide a dropped kerb and access from the front gardens of a pair of houses onto Goldsmith Avenue, the A2030, a classified road. The road has been designated as one of the city's primary and distributor roads, to which saved Policy DC26 of the Portsmouth City Local Plan 2001-2011(CLP) applies. This policy provides that proposals which would result in a net increase in the number of access points onto primary and distributor roads will not normally be permitted.
4. The proposal would result in a net increase in access points along the road. The policy seeks to prevent the proliferation of accesses and the interruption of the flow of traffic on these roads and to ensure that efficient use is made of the available highway capacity. However, the explanatory text also indicates that it is not designed to impede new development proposals. Moreover, the policy does not impose an absolute prohibition on additional access points, and therefore it is necessary to examine whether an exception can be made in this case.
5. Even during my visit, outside of peak traffic hours, Goldsmith Avenue was fairly busy. There are no parking restrictions for cars on either side of the road, and the road was fairly well parked during my visit, although there was space for about 8 cars within a short distance of the appeal site. It is a bus route, and buses passed frequently, although I noted that where cars were parked on both

sides of the road, buses had difficulty passing traffic in the opposite direction, and had to wait in gaps.

6. There is a dropped kerb and crossover at No 73 Goldsmith Avenue, next door to the appeal site. Cars cannot be parked in front of the crossover, and so provides a gap in the line of parked cars where oncoming traffic would be able to be seen from cars emerging from the appeal site. However, the crossover at No 73 does not extend across the whole frontage of that property, and there is space for a car to park between the road marking denoting the crossover and the appeal site. A car in that position would obstruct the view of drivers seeking to emerge from the hardstanding, and I consider that there is a real prospect of cars emerging without adequate inter-visibility. Cyclists and motorcyclists, who are likely to be positioned in the nearside part of the carriageway, would be especially difficult to see, and as they are some of the most vulnerable road users, the crossover would be potentially dangerous.
7. Whilst I acknowledge the lack of accident data in relation to the existing crossovers, that does not necessarily mean that they are safe. Only accidents where injuries are caused are likely to be reported, and not all of these may come to the attention of the police or highway authority.
8. I do not share the Council's concerns about the closeness of the proposed crossover to the junction of Goldsmith Avenue with Clovelly Road, because it is sufficiently far away. However, the existence of a set of traffic lights on Goldsmith Avenue to the north-west of the site adds to my concerns; drivers will be likely to have their attention focussed on the lights, getting ready to slow down, or speeding up to get through whilst the lights are green. Emerging traffic with poor visibility would not be safe in such a position.
9. Even those reversing manoeuvres which might not be dangerous would be likely to interfere with the flow of traffic, which on a principal route, would not be acceptable. This is especially the case with buses, where speed of getting around is important in encouraging people to use public transport. Whilst the interruption to flow from one crossover is unlikely to be significant, if this proposal were to be allowed, it could be repeated often on principal routes, the cumulative effect of which could be substantial. Portsmouth Local Plan Policy PCS17 promotes a public transport strategy, but there is nothing specifically referred to in the policy with which the proposal conflicts. However, it would run counter to the desired outcomes of the strategy referred to in the supporting text which include improving journey times and road safety.
10. A material consideration is the appeal decision¹ relating to a new access at 53 Goldsmith Avenue dating from January 2016. The Inspector in that case found that the proposed access would create a highway danger, and he dismissed the appeal. I recognise that there are some differences between that case and this, but the main thrust of that decision, that the crossover would be dangerous, is to my mind equally applicable to this case.
11. I therefore conclude on the main issue that the crossover would result in highway danger and interfere with the free flow of traffic in conflict with the CLP Policy DC26 I have referred to above. For the reasons explained above, there would be no direct conflict with LP Policy PCS17.

¹ Ref: APP/Z1775/D/15/3133936

Other matters

12. I have had regard to the appellants' particular circumstances. The property at 75-77 Goldsmith Avenue has a total of 6 bedrooms, and thus there would be a greater need for parking than would be the case in a smaller dwelling. I have also taken into account the particular needs of the appellant's father who has mobility difficulties, but as an occasional visitor, I afford less weight to this need than I would for a resident.
13. I acknowledge that parking close to the house is likely to be busy, especially when there are events held in the park opposite. However the property benefits from a large modern double garage at the rear, accessed by a rear lane. There also seemed to be space to park cars in front of the garage without causing particular difficulty for access to other properties. Although I realise that access to the lane is via a locked bollard, and that it may be inconvenient to use the garages, they appear to be able to serve the property and to provide the access that the appellant's father might need.
14. Regardless of this, I consider that the harm that I have identified above is serious enough to outweigh the other circumstances put forward in support of the proposal.

Conclusion

15. I find the proposal to be seriously harmful to an extent that it would conflict with the development plan as a whole, and conclude that, for the reasons given above, the appeal should be dismissed.

JP Roberts

INSPECTOR