
Appeal Decision

Site visit made on 13 July 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/Y3940/D/17/3176036

Vesper, 91 High Street, Pewsey, Wiltshire SN9 5AF

- 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 Mrs Janette Hunt-Watts against the decision of Wiltshire Council.
 - The application Ref 16/10814/FUL, dated 15 October 2016, was refused by notice dated 21 April 2017.
 - The development proposed is construction of a parking strip to front of property, on the High Street, to allow parking for vehicles belonging to two disabled drivers; also, safer pedestrian access to the property avoiding a narrower access onto the High Street.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address on the original planning application form states it to be No 19 High Street. However, it is clear from all of the other submissions, including location plan, the Council's decision notice, appeal form, officer report and appellant's appeal statement that the correct address is No 91 which is reflected in the above header.
3. A drawing submitted with and attached to the appellant's appeal statement shows a shortened, 10 metre, length to the proposed lay-by compared with the plans considered by the Council in making its decision. It is unclear as to whether the Council has had the opportunity to comment on that drawing and so could be prejudiced were I to consider it. I have therefore determined the appeal based on those drawings considered by the Council in making its decision.

Main Issue

4. The main issue is the effect of the proposed parking bay on highway safety having regard to visibility of on-coming vehicles when exiting onto the road.

Reasons

Highway safety

5. No 91 currently has no off-street parking and utilises a lay-by further along the road. The proposal would create space for two cars to park immediately in

front of the house where there is currently only a pedestrian access directly onto the road, there being no footway on that side.

6. Either side of where the proposed parking bay would be, in fairly close proximity to it, is respectively a forward projecting section of No 89 which extends to the roadside and, on the other side, a retaining wall and vegetated bank abutting the highway. The height and close proximity of those existing neighbouring features to both the site and road would therefore be likely to severely restrict the visibility of drivers exiting the proposed bay, albeit to varying extents depending on the direction the parked car is facing and where it is positioned along the length of the bay. Such inadequate visibility would lead to the potential for vehicles to exit the bay without the driver being able to clearly see oncoming traffic or cyclists. It is likely that forward visibility of cars exiting the site from vehicles travelling towards it along the road would also be restricted by the neighbouring features. I have received insufficient evidence to indicate to the contrary, including the extent to which mirrors could be relied upon in all circumstances.
7. The above circumstances would in turn lead to the risk of direct collisions with vehicles travelling along the road or cause them to make unexpected avoidance manoeuvres resulting in collisions with other vehicles. Such potential risks from poor sighting would also occur in relation to car doors being opened over the highway and also in respect of people alighting from cars onto the road, due to the fairly restricted width of the proposed bay, particularly with the solid retaining structure on one side.
8. It is claimed that the road is not so busy at this end of the village and that any accidents recorded relate to the more central part adjacent to the shops where there is on-street parking. It is a wider stretch of road due to the absence of such on-street parking, however I have not received any substantive survey evidence relating to flows at different times of the day. Furthermore, although only a snapshot observation, I saw at my site visit that despite traffic flow being sporadic, the road was well used. The nature of use of the road is therefore insufficient basis alone for considering there unlikely to be a risk of collision due to poor visibility.
9. I visited those other locations referred to by the appellant in the vicinity relating to restricted visibility either side of access points onto the highway, by way of comparison with the proposed circumstances. However, I saw that the circumstances in terms of the nature of the accesses and the varying degrees of restricted visibility were different to the circumstances in this case. Furthermore, those are established situations for which I am unaware of the circumstances relating to their original formation. In any case their presence does not justify exacerbating any existing potentially hazardous situations in the vicinity, and I have determined the appeal on its own merits.
10. It is also claimed that the proposed parking bay would be safer than that lay-by currently used. Although I have not received clear evidence to show the location of that existing lay-by, I saw that the nearest one along the road, to the east of the site, does not have the same visibility restrictions as would be the case with that proposed. It would involve crossing the road twice for someone walking between that lay-by and No 91, due to there being no footway on that side of the road, which I acknowledge would be more difficult for the disabled or elderly existing occupiers. However, I have received no

substantive evidence to demonstrate that the degree of visibility and traffic speeds along that stretch of road would make that a dangerous route.

11. The proposal would reduce the likelihood of vehicles being temporarily parked on the road to enable someone to be dropped off or picked up from No 91, which I acknowledge is currently more likely due to existing occupiers being elderly or disabled. However, I have no substantive basis for considering it to represent the same, or greater, degree of hazard as the proposed situation relating to restricted visibility.
12. For the above reasons, I conclude on this issue that the proposed parking bay would be likely to pose a risk to highway safety having regard to visibility of on-coming vehicles when exiting onto the road. As such, it would be contrary to Core Policies 57 and 61 of the Wiltshire Core Strategy which together require proposals to be capable of being served by safe access to the highway network. It would also be contrary to paragraph 32 of the National Planning Policy Framework which amongst other things sets out that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Other matters

13. It is highlighted by the appellant that there have been no objections from neighbours to the proposal. However, I have determined the appeal on its merits based on the submitted evidence and my observations.
14. I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Pewsey Conservation Area (the CA) and preserving the setting of the nearby Grade II listed building (the LB) comprising Norbury House at No 85 High Street.
15. The CA comprises a variety of designs of buildings and along the stretch of road in the vicinity of the site running eastwards, it is characterised by dwellings set back from the road behind roadside retaining walls and mature vegetation. However, unlike other properties along that stretch of road, No 91 is already quite exposed, with front fencing clearly visible set back from the road and without the same extent of vegetation. In that context, the introduction of the proposed parking bay would not materially change the already relatively exposed appearance of the site. The LB is seen in the context of the variety of building designs and ages near to it and is also significantly separated visually from the appeal site by the forward projecting No 89. For the above reasons, the proposal would preserve the character and appearance of the CA and preserve the setting of the LB.

Conclusion

16. I have had regard to the circumstances of the appellant in terms of her requirements relating to the disability of occupiers of No 91 and acknowledge that the provision of parking immediately in front of the house would be more convenient and make access easier. However, such benefits would be outweighed by my concerns about the risk that would be posed to highway safety. My finding that the proposal would preserve the character and appearance of the CA and preserve the setting of the LB does not deflect from that.

17. Therefore, for the above reasons the appeal should be dismissed.

Andrew Dawe

INSPECTOR