

Appeal Decision

Site visit made on 6 December 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 20 December 2017

Appeal Ref: APP/P2114/D/17/3181991

The Haven, Tennyson Road, Freshwater PO40 9AE

- 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 Paul Stacey against the decision of the Isle of Wight Council.
 - The application, Ref. P/00422/17, dated 31 March 2017, was refused by notice dated 13 June 2017.
 - The development proposed is a vehicle crossing (dropped kerb).
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Decision

1. The appeal is allowed and planning permission is granted for a vehicle crossing (dropped kerb) at The Haven, Tennyson Road, Freshwater in accordance with the terms of the application, Ref. P/00422/17, dated 31 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the annotated OS based site plans submitted with the application.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The Council has explained that the appeal site and the ability to park on the site frontage does not fully accord with the relevant technical standards and, as a result, with the requirement for a safe environment in Policy DM2 of the Isle of Wight Core Strategy DPD 2012. However whilst I acknowledge this, there are a number of factors relating to the site-specific circumstances in this case that need to be taken into account.
 4. Tennyson Road is a one-way street and this allows traffic to use the full width of the carriageway in avoiding any vehicle undertaking a reverse parking manoeuvre. Such manoeuvres already occur in considerable numbers because of the large number of existing private accesses and also due to the extensive on-street parallel parking in the road, albeit I accept that reversing into an off road space has the potential to be slightly more hazardous.
 5. However, in this case the Council accepts that 'the required level of visibility and footway crossfall can be achieved' and I also note that this part of
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Tennyson road is within the 30mph speed limit. Furthermore, there is no accident record to support the case that either the existing roadside parallel parking or the use of the existing vehicular accesses along this stretch of the road are prejudicing highway safety.

6. One such access is positioned is to 'Tiraumea', the property immediately to the east, and the effect of the painted white line to preclude on-street parking for the length of the existing dropped kerb is one of 'opening up' the proposed access to The Haven to the visibility of drivers of vehicles in the westward one way flow. Thus the effect on highway safety of extending the existing dropped kerb in this case is not in my view comparable to that from the width of the access being restricted by on-street parking to the much more limited 5.75m frontage width of the appeal property.
7. Taking all these points into consideration, I do not on balance find that the effect of the proposal on highway safety in the particular site-specific circumstances of this case would be such as to harmfully conflict with Policy DM2 and thereby justify the withholding of permission. I shall therefore allow the appeal and have imposed a condition referring to the submitted plans to avoid uncertainty as to the area that is the subject of the application.

Martin Andrews

INSPECTOR