
Appeal Decision

Site visit made on 7 December 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 02 January 2018

Appeal Ref: APP/Z1775/W/17/3181555

Rear of 5-7 Spur Road, Portsmouth PO6 3DY

- 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 S Mortazaie-Far against the decision of Portsmouth City Council.
 - The application Ref 17/00483/FUL, dated 20 March 2017, was refused by notice dated 16 May 2017.
 - The development proposed is a 2 storey office block.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal upon highway and pedestrian safety.

Reasons

3. The appeal site is located close to the busy shopping area of Cosham. The access off of Spur Road, a busy distributor road, into the narrow service road leading to the site requires travel across a footpath. At the time of my site visit on a weekday morning, the footpath was being used by a significant number of pedestrians.
4. The service road narrows down in part due to the parking of vehicles within the marked cross-hatched area alongside parade of shops. As well as the site itself which is behind those shops, the service lane is used to access other enclosed land on the opposite side of the lane.
5. The site is in the same ownership as the shop at No 7 Spur Road although it is not clear who is allowed to park there at the moment. In the previous Enforcement Notice appeal¹ relating to the site, my colleague noted that the site cannot accommodate more than two or three vehicles and still allow them to turn to leave the site in forward gear. This was considered important as the sightlines at the junction with Spur Road can be obstructed by cars parked within the layby which is to the right when exiting in a forward direction. Furthermore, that Inspector also noted the significant number of pedestrians using the footpath and that could also obstruct the sightlines which confirms what I saw at my site visit.

¹ APP/Z1775/C/13/2194355

6. This existing access is awkward to negotiate and there is a lack of space available alongside the service lane for vehicles to manoeuvre and turn once they have entered. It is necessary to either encroach onto other private land which is not always available when vehicles or other obstructions such as refuse bins are present, or to use the area in front of No 5 Spur Road. Turning by using the path in front of No 5 can lead to conflicts with passing pedestrians. The access is currently inadequate particularly if vehicles cannot turn and instead have to reverse either into the path of pedestrians or passing vehicles on the busy distributor road. The lane is also too narrow when cars are parked alongside for 2 vehicles to pass if 1 is exiting whilst another is entering from Spur Road. The Council has provided some evidence of accidents within Spur Road. Between 2013 and 2017, there have been 11 between the junction of the roundabout to the west of the site and London Road nearby to the east. I give moderate weight to this evidence which confirms that the suitability of the access onto Spur Road needs to be carefully considered with respect to any further development.
7. The site is in an accessible area close to a bus stop and also a pay and display car park. I also noticed during my travels on the day of the site visit that there are residential properties nearby within walking distance of the site. Notwithstanding these benefits of the location, the appellant acknowledges that there will be some limited customer and delivery vehicles accessing the service lane. The site is proposed to have gates across which should prevent parking within it but which would also make any manoeuvring very difficult at the end of the service lane. There is no evidence before me to demonstrate the appellant's view that vehicle generation resulting from the modest office proposal would be minimal. It is estimated by the appellant that 5 full-time workers would be based here. There can be no guarantees that visitors and staff would not attempt to drive to the site. I have not been provided with evidence about the costs or other factors affecting whether the pay and display car park is a likely alternative to parking within the lane leading to the site.
8. The proposal would not be guaranteed to provide safe and suitable access for all people nor would it be well designed due to these inadequacies. This would not improve accessibility for all. In relation to the main issue, the proposal would have a harmful impact upon highway and pedestrian safety. This would not comply with Core Strategy² (CS) Policies PCS17 and PCS23 or paragraph 32 of the National Planning Policy Framework.

Other Matters

9. The proposal would provide useful office accommodation in an accessible location but this benefit would not outweigh my conclusion on the main issue.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR

² The Portsmouth Plan (Portsmouth's Core Strategy), adopted 24 January 2012