
Appeal Decision

Site visit made on 23 October 2018

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 November 2018

Appeal Ref: APP/G1250/W/18/3208473

80-82 Shelbourne Road, Bournemouth BH8 8QZ

- 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 Robertson of Bournemouth Caledonian Society against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-6573-H, dated 6 September 2017, was refused by notice dated 13 February 2018.
 - The development proposed is described as 'alterations to forecourt to allow for new parking spaces and new dropped kerb'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the safety of users of the highway with regard to the deposition of loose material onto the highway.

Reasons

3. The area within which the appeal site is located is almost entirely residential, characterised by consistent rows of late Victorian properties. The appeal property is a more modern 20th century building, set back further from the road than other properties, fronted by a gravel forecourt. Many properties in the area have parking on front forecourts. Most are finished with a consolidated surface such as brick pavers or tarmac.
4. The current gravel area to the front of the property is extensive, and the forecourt area falls very slightly towards the road. The proposal is to retain the gravel surface and use the area for car parking. Whilst the possible impact of a single piece of stray gravel is likely to be negligible, the potential here is for a significant amount of material to spill onto the highway as it is brought off the forecourt by moving vehicles. A build-up of loose material on the pavement could cause a hazard to users of the highway, particularly as material is rolled under a pedestrian's foot, or causes an obstruction to the free movement of a wheelchair or pushchair. It could cause a tripping or slip hazard, particularly to those with visual or mobility impairments. Material that collects on the road could also cause a hazard to cyclists and could be flicked up by vehicles, posing a safety risk to other users of the highway. The Council has produced

photographs which show how similar material used elsewhere in the area spills out onto the highway to demonstrate its concern.

5. The appellant has suggested that they would continue to sweep the highway regularly. Whilst this is commendable, it is not enforceable through the planning system, and a different management team in the future may take a less considerate approach. The appellant has also suggested that vehicle movements would be low when compared with the average dwelling. Again this relates to how the building is used and managed at present. Usage of the building could increase in the future without the need for planning permission, and vehicles parking on the forecourt could be larger than those expected in a domestic context, for catering purposes for example, which could increase the deposition of material onto the highway.
6. The appellant has drawn my attention to case law relating to material on the highway. Much of this does not relate directly to matters that I can concern myself with, but to other legislation which is outside the scope of this appeal. I have considered the proposal on the planning merits of the case, and not with regard to the potential for an alternative surfacing material.
7. The appellant has suggested that Policy CS41 of the Bournemouth Local Plan Core Strategy, adopted 2012 (BLPCS) is not relevant to the proposal as it relates primarily to design quality. I find this policy to be relevant as among other things it seeks to ensure that new development contributes positively to the appearance and safety of the public realm.
8. Whilst concern is not raised about the appearance of the forecourt area, I have found that the proposal would have a harmful effect on highway safety due to the deposition of loose material onto the highway. The proposal would therefore fail to accord with Policies CS18 and CS41 of the BLPCS, which among other things seek to ensure that development contributes positively to the safety of the public realm and does not compromise the existing cycling and walking network.

Other Matters

9. I note the appellant's concern about advice received from the Council before the application was submitted. However in determining the appeal I can only have regard to the planning merits of the case, so am unable to give any weight to these particular concerns.

Conclusion

10. I conclude that the appeal should be dismissed.

Andrew Tucker

Inspector