
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: 14 November 2018

Appeal Ref: APP/G1250/D/18/3210289
28 Bengal Road, Bournemouth BH9 2NF

- 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 Georgina Hopps against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-27079, dated 27 June 2018, was refused by notice dated 28 August 2018.
 - The development proposed is to use the front garden to provide off road parking for one vehicle at the front of the property.
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Decision

1. The appeal is dismissed

Procedural matters

2. I observed at my site visit that the front garden space has been laid out to provide the parking area. However, the dropped kerb has not been formed.

Main Issue

3. The effect of the proposal on highway safety, with particular regard to the manoeuvring of vehicles, and the deposition of loose material onto the highway.

Reasons

4. The appeal property stands within a residential area on a busy road classed by the Council as a 'District Distributor Road'. The text supporting Saved Policy 8.2 of the Bournemouth District Wide Local Plan, adopted 2002, (BDWLP) states that these roads are designed to connect areas of residential, shopping, industrial and commercial development, and form an important component of the road network in the borough. The policy seeks to restrict new accesses onto these roads, and to take the opportunity to close existing vehicular frontage access when development takes place and an alternative form of access can be obtained, in order to enhance traffic safety.
5. From what I saw, the space available for the proposed parking area is of a modest size and the limited space available would restrict the opportunity for a vehicle to turn around. The appellant suggests that all manoeuvres into and out of the site would be carried out in a forward gear. However, there is no reasonable mechanism to control this, or to ensure that the space is only used for the parking of one vehicle. A condition imposed to this effect if the appeal

were to be allowed would, in my mind, not be enforceable. Therefore, in the absence of any firm evidence to the contrary, there is potential for a motorist using the parking area to reverse into or out of the site.

6. At my site visit I witnessed a steady flow of traffic using the highway. Given the nature and function of the District Distributor Roads I have no reason to conclude that this was unusual. Vehicles stopping on the highway to reverse into the parking area, or vehicles reversing out onto the highway, would conflict with vehicles using the road, and therefore the free and efficient movement of traffic on this busy road. As a result its function as a District Distributor Road would be compromised and traffic using Bengal Road would be impeded leading to material harm to highway safety.
7. Furthermore, at my site visit I could see nothing to restrict the parking of vehicles on this side of the highway. A number of vehicles were parked here. Parked vehicles would severely restrict the visibility of a driver when manoeuvring out of the parking area, leading to material harm to highway safety.
8. I note the comments of the appellant regarding the number of properties that have off road parking provision together with a dropped kerb, as well as those that have off road parking elsewhere. However, while the appellant states that there is nothing in the Council's Planning Register since 1993 for planning applications for off road parking on Bengal Road, there is no substantive evidence to suggest that planning permission may not have been granted before that time. Furthermore, the Council has suggested that a number of existing accesses in the area appear to be unauthorised.
9. The parking area has been surfaced with compacted gravel that the appellant says has a 'grab' like property so it should not spill onto the road. Although the gravel may behave differently than a regular gravel surface that has not been compacted there is still the potential for some loose material to be carried from the plot onto the road as it attaches to the tyre of a vehicle. Loose gravel on the pavement or on the road has the potential to cause a nuisance and be a hazard to users of the highway. For example, such loose material could cause a pedestrian to fall as gravel is rolled under foot, cause an obstruction to the free movement of a wheelchair or pushchair, cause a cyclist to lose control or could be flicked up by a moving vehicle.
10. Saved policy 8.2 of the BDWLP seeks to limit new accesses onto a 'District Distributor Road'. Taking this into account, and the inadequacies of the access in terms of layout and materials, I conclude that the proposal would have a harmful effect on highway safety as it fails to accord with policy CS41 of the Bournemouth Local Plan: Core Strategy (adopted 2012) and the National Planning Policy Framework, which seek to ensure that development is well designed with regard to public safety, and does not have an unacceptable impact on highway safety.

Conclusion

11. For the reasons above the appeal is dismissed.

Andrew Tucker

Inspector