
Appeal Decision

Site visit made on 3 December 2019

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2019

Appeal Ref: APP/R3650/D/19/3233376

37 Portsmouth Road, Godalming GU7 2JU

- 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 & Mrs Nolan against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0755, dated 25 April 2019, was refused by notice dated 5 July 2019.
 - The development proposed is access modification, car port and lowered kerb.
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Decision

1. The appeal is allowed and planning permission is granted for access modification, car port and lowered kerb at 37 Portsmouth Road, Godalming GU7 2JU in accordance with the terms of the application, Ref WA/2019/0755, dated 25 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PR / PA1 and PR / CP01.
 - 3) Once the development hereby permitted has been first brought into use, the areas shown on the approved plans for the parking of vehicles shall only be used for such purpose.

Procedural matter

2. Since the application was refused the Council has made the Godalming and Farncombe Neighbourhood Plan (the GFNP) which now forms part of the development plan for the area. Given that the relevant policies in the GFNP do not materially change the consideration of this matter I consider that there was no need to revert to the parties on this change in circumstance.

Main Issue

3. The main issue is the effect on highway safety and the convenience of other highway users.

Reasons

4. The appeal site is located on the northwest side of Portsmouth Road, the A3100. In this section it has a speed limit of 30 mph. The property is set back from the road and on higher ground. There is currently a parking area to the

front of the property and its immediate garden set up a short distance from the highway accessed from the Portsmouth Road. The entrance to this also appears to serve a parking area for the adjoining property to the northeast, No 36.

5. Along this section of the Portsmouth Road there are a number of accesses and outbuildings at the same level as the road, although some involve hardstanding areas set slightly up, as is the case at the appeal site.
6. The proposal is to construct a car port which would allow vehicles to park perpendicular to the road. An additional parking space is shown to the side. In light of the existing buildings along this section of the road the Council has not objected to the building itself, and I agree it would be appropriate within the street scene. Policy GOD6 of the GFNP encourages parking spaces that take the form of open spaces or car port facilities, rather than garages; consequently, the proposal would comply with this policy.
7. The Council's concerns relate to the fact that the proposal would require any vehicles to reverse either onto or from the highway. Currently, there appears to be the ability to turn on site although it would appear that this manoeuvre would require going across part of the area in front of No 36. It is not clear whether there is a right to do this (or for the occupier of No 36 to manoeuvre on the area in front of No 37 in complementary fashion). This would only be a planning matter if there was a condition requiring this to be provided and I have not been advised of this. Consequently, arrangements between the two occupiers are likely to only be a private matter between them.
8. Vehicles reversing either on to or off from the parking area would increase the likelihood of accidents on the A3100. Similarly, allowing for vehicles to reverse in or out would mean that passing traffic would be forced to slow and/or stop. This would be detrimental to the convenience of other road users. I have not been provided with any traffic figures for this road, nor of any information to show that the existing accesses in close proximity, where vehicles are required to reverse, have led to issues of highway safety.
9. The appellant has demonstrated, due to the configuration of the existing parking arrangements, reversing to or from the highway already occurs if two vehicles are parked on site and there is the need to get the 'inner' vehicle out.
10. At the time of my site visit in the middle of a weekday morning it was clear that Portsmouth Road is well trafficked. It is also clear that parking is at a premium as there were vehicles parked on the verge on the opposite side of the road to the appeal site. The proposal would assist in providing parking that could be more effectively and efficiently used when compared to the current situation.
11. The Council has referred to Policy ST1 of the Waverley Local Plan (Part 1): Strategic policies and sites. However, this policy, which is entitled 'Sustainable Transport' does not refer to highway safety. It does refer to making appropriate provision for car parking, and in that regard the proposal would comply with that policy.
12. Given the current arrangements and the need to reverse on to Portsmouth Road, I am satisfied that the proposal would not increase the risk to highway safety or the inconvenience of other road users from the current situation. For the reasons given above the proposal would comply with Policy ST1 of the

Local Plan (Part 1) 2018 and Policy GOD6 of the GFNP as set out above. It would also comply with paragraphs 108 and 109 of the National Planning Policy Framework (the Framework) which indicates it should be ensured that safe and suitable access can be achieved for all users and that development should only be refused if there would be an unacceptable impact on highway safety.

Conditions

13. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
14. The Council has suggested conditions which would require the provision of sight lines, and a scheme to prevent water from the appeal site traversing on to the highway. The latter of these matters duplicates powers under the Highways Acts and consequently I do not consider it necessary. I looked at the sight lines suggested by the Council at the site visit and consider that, given the geometry of the road, a condition requiring them to be provided and maintained would not be necessary.
15. The Council also suggested a condition that the parking spaces should be retained as such. Given that the decision in this case involves balancing the benefits of the revised parking arrangements I consider that the imposition of a condition to that effect to be necessary.
16. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR