
Appeal Decision

Site visit made on 14 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/D1780/D/19/3238573

14 Rothschild Close, Southampton SO19 9TE

- 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 Peter White against the decision of Southampton City Council.
 - The application Ref 19/00674/FUL, dated 10 June 2018, was refused by notice dated 22 July 2019.
 - The development proposed is the installation of a fence to enclose rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a fence to enclose rear garden at 14 Rothschild Close, Southampton SO19 9TE in accordance with the terms of the application, Ref 19/00674/FUL, dated 10 June 2018, 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: Site plan ref: TQRQM19150120256909 and block plan.

Procedural matter

2. I have amended the description of development in order to be more succinct.

Main issue

3. The main issue is whether the proposal would have an unacceptable impact on highway safety with particular regard to vehicular visibility from the driveway of 15 Rothschild Close.

Reasons

4. The application site is located within a suburban residential cul-de-sac. To the east, 15 Rothschild Close has its driveway positioned adjacent to the appeal site boundary where it is proposed to erect a fence circa 1.8m in height. The proposal would enclose a triangular area which is currently open and under the appellant's control. This space adds to the open character of the cul-de-sac and provides generous visibility from the driveway at no 15 for approaching pedestrians, cyclists and vehicles from the east.
5. The Council have referred to Policy CS13 of the Southampton City Council, Core Strategy – Adopted Version January 2010 (CS) and 'saved' Policies

SDP1(i) and SDP9(v) of the City of Southampton Local Plan Review – Adopted Version 2nd Revision (2015) (LP). Both were reviewed and adopted in 2015. The aims of these policies include the promotion of safe streets, avoiding unacceptable effects on the safety of the city and its citizens, and ensuring development respects surrounding land uses. Paragraph 109 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

6. The proposal would significantly reduce visibility to the east and therefore impact on highway safety. I consider that the land to be enclosed was likely to be provided for a range of planning reasons, including visibility and supporting an open character and appearance within the street scene. The latter is not a matter which the Council raise, and I have no evidence to reach a different view. Moreover, I note the lack of any comments from the Council's highway officer to help inform the Council's decision and substantiate the refusal.
7. I have noted that similar obstructions to visibility from hard landscape features and dense landscape planting are part of the character and appearance of the cul-de-sac. For example, the appellant has drawn attention to the visibility from no 26's driveway and the obstruction caused by the neighbour's fence. Whilst none of the examples I observed on my site visit were identical to the appeal site, I consider that they set a context. This context is likely to affect the behaviour of highway users, many of whom would be aware of the various driveways with restricted visibility in this residential cul-de-sac.
8. Additionally, the appellant highlights that this triangle of land was itself densely vegetated until recently and has provided photographic evidence of this. Whilst this may not provide the same degree of obstruction as a solid fence it would affect visibility from the driveway of no 15. I have no evidence to indicate that this could not reasonably happen again and cause similar visibility issues to the proposed fence.
9. Furthermore, on-street parking facilities are limited within the street due to the prevalence of dropped kerbs. One of the limited opportunities for on-street parking is immediately to the east of no 15's driveway, outside the appeal site. I observed such parking on my site visit and found it restricted no 15's visibility of approaching vehicles and bicycles from the east. It also required vehicles and cyclists to pass on the wrong side of the road, which would likely reduce their speeds and increase their visibility to drivers exiting no 15's driveway.
10. I consider that cumulatively the factors detailed above mitigate the effect of the proposal on highway safety to a significant degree. Therefore, I find that the proposal would not have an unacceptable impact on highway safety with particular regard to vehicular visibility from the driveway of 15 Rothschild Close. As a result, it would not conflict with 'saved' Policies SDP1(i) or SDP9(v) of the LP or Policy CS13 of the CS. Furthermore, the proposal would not conflict with the Framework, including paragraph 109.
11. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR