



Appeal Decision

Site visit made on 21 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2020

Appeal Ref: APP/Z3635/D/19/3241650

101 Groveley Road, Sunbury On Thames TW16 7JZ

- 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 Miss Chloe Barlow against the decision of Spelthorne Borough Council.
 - The application Ref 19/01290/HOU, dated 24 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is create a vehicle access (dropped kerb) to the front of property, to allow access onto the property's driveway.
-

Decision

1. The appeal is allowed and planning permission is granted for creation of a vehicle access (dropped kerb) to the front of property, to allow access onto the property's driveway at 101 Groveley Road, Sunbury On Thames TW16 7JZ in accordance with the terms of the application, 19/01290/HOU, dated 24 September 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: Location Plan, TQRQM19274212334768, TQRQM19274212905159.

Main Issue

2. The main issue is the effect on highway safety.

Reasons

3. The appeal property is a semi-detached dwelling on the north side of Groveley Road, the C233. Groveley Road is subject to a 30 mph speed limit, and at the time of my site visit on a weekday morning was fairly busy, although traffic was restricted by temporary traffic lights for road works a short distance to the west. The appeal property lies on the inside of a gentle curve along Groveley Road.
4. On this northern side of the road from the carriageway, there is a grass verge, approximately 2.5m wide and then an approximately 2.0m wide footway (commonly known as a pavement). Most of the properties on both sides of Groveley Road have individual, or direct, accesses to the properties via dropped kerbs and hardsurfacing through the verge width.

5. The area directly in front of 101 Groveley Road has been laid to pavements and the verge area has been overridden so that this area consisted of mud.
6. The Council is concerned that the sight lines to the west, that is the direction of travel from traffic on the same side of the road as the appeal property, is compromised by three trees in the verge so that the sight lines recommended in Manual for Streets, of 2.4m from the carriageway edge and 43m along the carriageway, would be interrupted.
7. There are three trees in question, separated along the highway. From the appeal site heading west, the first is a young tree, but is also, in my experience, unlikely to thrive as the main stem bifurcates, or diverges, only a short distance above the ground. This means that the Council's concerns that the tree is likely to obstruct the view further as it grows is extremely unlikely to be realised. In my view it is likely to have an extremely limited lifespan.
8. The second and third trees are larger with a diameter of around 350mm each. The second is located outside Nos 99 and 97. While I saw all three trees in their winter situation, it was clear that the canopy was around 1.8m above ground level so obstruction was only that of the tree trunk itself. The third tree, outside Nos 99 and 101, has some growth closer to the ground which has the effect of widening the width of obstruction. However, the main canopy of this tree, which is evergreen, is approximately 2.0m above ground level.
9. Overall my impression from the site visit was that while the second and third trees did interrupt the view to the west, the interruption was not continuous, and that, given the distance travelling across the width of the footway and verge, anyone egressing from the site would realise that there was a vehicle, of any size, travelling along Groveley Road.
10. Furthermore, it must be remembered that the vast majority of dwellings on both sides of the carriageway have direct accesses to Groveley Road. Users of the highway will be conscious of these and will anticipate that there may be vehicles accessing and egressing the areas in front of the various dwellings and take appropriate care. It has not been shown that the existing highway has a particularly poor accident record which would indicate that the existing accesses are creating a highway safety concern which would be materially exacerbated by the provision of a single additional access.
11. The Council has also raised concerns about material being deposited on the footway and carriageway. However, if planning permission is granted this can be resolved through the provision of an appropriate surface. This can be controlled by the Highways Authority under separate legislation.
12. Overall, while there would be some interruption of the sight lines, given the likely behaviour of those using the highway and the ability to see along the carriageway, the proposal would result in a safe and suitable access to the site and not give rise to harm to highway safety.
13. Therefore, the proposal would comply with Policy CC2 of the Spelthorne Core Strategy and Policies Development Plan Document. This indicates that the Council will only permit traffic generating development where it is compatible with transport infrastructure in the area taking into account, amongst other matters, access and egress to the public highway and highway safety. It would also comply with paragraphs 108 and 109 of the National Planning Policy

Framework which indicate that development proposals should have safe and suitable access for all users and should not result in an unacceptable impact on highway safety.

Conditions

14. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
15. The Council has also requested that the hardstanding should be permeable or be designed to run-off to a permeable surface within the curtilage of the dwellinghouse. However, this would not relate to the proposal applied for, which is for the vehicular access alone.

Conclusion

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

RJ Jackson

INSPECTOR