

Appeal Decision

Site visit made on 24 February 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/M2270/W/19/3240275

Land adjacent to Dee House, Rye Road, Hawkhurst, Cranbrook TN18 5DA

- 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 B Kilgore (Esquire Developments) against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/01299/FULL, dated 10 May 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the demolition of the existing buildings and the erection of 6 No bungalows and the creation of a new access to Rye Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has considered both a 'bellmouth' and a 'crossover' arrangement for the proposed access. However, the appellant has indicated that his preferred access option for the site is for a 'crossover' arrangement known as 'option b'. I have proceeded accordingly.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site is set down behind a brick wall adjacent Rye Road (A268) which is a primary distributor road that runs towards the crossroads in the nearby settlement of Hawkhurst. The site is currently accessed via a lane that rises up to meet the A268 at the side of Pear Tree Cottage. There are two relatively recent residential developments at Woodham Close and Birchfield Grove that neighbour the site. Woodham Close is to the west of the appeal site on the same side of the A268, and Birchfield Grove is on the opposite side of the road to the east of the appeal site. Both developments have direct access onto the A268 main road which has speed restrictions in place.
5. The proposal is for 6 residential dwellings that would have direct access onto Rye Road following demolition of the existing buildings on site and partial demolition of the brick wall to the front. The main parties agree that the principle of development in this location is acceptable.

6. I acknowledge the various professional reports submitted by the main parties, including the technical note provided by DHA Transport, and the submitted drawing 23719B/11 which illustrates clearly that the development would introduce a third access onto the A268. I noted at my site visit that the A268 appears to have a fairly consistent flow of traffic, including a regular bus service.
7. Notwithstanding the existing staggered access arrangements along the A268, the proposed access would be in relatively close proximity to the accesses at Woodham Close and Birchfield Grove in this well used location. Indeed, irrespective of whether the proposed access is a 'bellmouth' or a 'crossover' type arrangement the relevant Road Safety Audits in 2018 and 2019, found that there would be insufficient distance between the proposed access and the existing junctions at Woodham Close and Birchfield Grove. As such, the additional traffic associated with the site, including refuse and service vehicles, would compete for the same space as Woodham Close and Birchfield Grove when emerging from the new junction along this short stretch of Rye Road.
8. I acknowledge that there has been a very limited number of personal injury accidents or crashes in the nearby location, and that there have been recent changes to speed restrictions along some sections of the A268. Consequently, the appellant contends that the introduction of the appeal scheme would align with guidance for Local Distributor Roads in the Kent Design Guide, and 'subconsciously' influence drivers to slow down when passing it alongside other recent development in the 30mph section of Rye Road.
9. To the contrary, I noticed at my site visit that the 40mph signage to the east of the proposal would be readily visible along this stretch of the road, which may well influence drivers to increase their speed when leaving the confines of Hawkhurst, and thus compromise highway safety.
10. My opinion is reinforced by the volume of traffic I witnessed on the A268, which is described by Kent County Council Highways and Transportation department as a primary rather than a local distributor road, and the rising topography to the front of the appeal site boundary which would make egress for emerging vehicles more challenging, particularly when combined with other traffic that might be emerging from the existing developments nearby. Therefore, in the absence of any contemporary speed data or other convincing evidence to the contrary, I conclude that the location of the proposal, the spacing of the junctions and the additional traffic generated would compromise highway safety.
11. Therefore, the scheme is contrary to saved Policies EN1 and TP4 of the Tunbridge Wells Borough Local Plan 2006, which says, amongst other things, that development must have a safely located access with adequate visibility that exists or could be created.
12. For similar reasons, the proposal conflicts with Paragraphs 108 and 109 of the National Planning Policy Framework which requires that safe and suitable access to the site can be achieved for all users, and that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

13. I have considered the appellants reference to another scheme in Kent. However, whether this is an appropriate form of development or not, as I do not have the detail of that scheme before me, I can only give this very limited weight. Moreover, each proposal must be considered on its own planning merits.

Conclusions

14. Although the main parties agree that the council cannot demonstrate a five-year housing land supply, and as such, Paragraph 11(d) of the Framework is engaged, in this case, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, which include the provision of six new dwellings.
15. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR