



Appeal Decision

Site visit made on 20 January 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/V1260/W/19/3239483

4 Talbot Avenue, Talbot Woods, Bournemouth, Dorset BH3 7HU

- 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 Jarvis, 4 Talbot Avenue Management LTD against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2018-1856-C, dated 19 October 2018, was refused by notice dated 8 August 2019.
 - The development proposed is alterations and extension to create additional flats (2no.). Existing house already converted to 2 x flats and 1 maisonettes.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) highway safety; and ii) its effect on the ecology of the nearby Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC).

Reasons

3. The appeal property sits within an established street scene of large properties set within a well treed environment. The building on site has been sub-divided already into 3 smaller units of accommodation. The property benefits from an area of car parking to the side of the property with vehicular access gained from Talbot Avenue, that is identified as a County Distributor Road. The site is situated close to the western limb of the East Avenue Roundabout.
4. The appeal proposal seeks to erect a two storey rear extension to the property to provide two additional units of accommodation. Alterations to the parking layout to provide 8 on site car parking spaces are also shown on the submitted details, although the access is not proposed to be altered.
5. Given the proposed addition of two further units of residential accommodation it follows that the appeal development would result in an intensification of the vehicular access in close proximity to the exit onto Talbot Avenue from the East Avenue Roundabout, an identified accident cluster site. At the junction there is a traffic island providing pedestrian refuge and a small area of central hatched markings to the north-west of the island along Talbot Avenue, although these markings cease adjacent to the access to the appeal site. There are also

advisory cycle lanes to the sides of the carriageway. Noting the characteristics of the highway there is not a central refuge available for vehicles making a right turn in this location.

6. From the details before me, the particular concerns with regard to the appeal development is the intensification in the number of right turning vehicles entering the site, the increased likelihood of vehicles waiting in the carriageway for a gap between oncoming traffic and the proximity of the site from the exit to the roundabout. Saved Policy 8.1 of the Bournemouth District Wide Local Plan 2002 (LP) seeks to enhance traffic flow and safety on Primary and County Distributor Roads, including improvements to access arrangements from existing developments. Although from the information before me, the proposal may only result in a modest increase in traffic to the site and accordingly a small number of additional right turning vehicles, any increase in such movements and potential disruption to vehicular flow would to my mind, not meet the aims of this policy.
7. The appellant suggests that as the access sits on the flare of the junction that it is wide enough for two vehicles to pass and has provided a dashcam image of a vehicle passing on the inside of a vehicle turning right to demonstrate this. They also dispute the findings of the submitted speed survey data. Although the dashcam image provided is acknowledged, in the absence of technical data, such as details of highway geometry, traffic flow, visibility or speed surveys to counter those provided by the Council, I am not persuaded that vehicles could safely pass or that the observations with regard to vehicular speeds are inaccurate. Furthermore, from the information before me, any such movements would likely result in vehicles utilising the advisory cycle lane. I am not satisfied that such an arrangement would not result in an increase in potential conflict between vehicles and users of the cycle lane.
8. Previous appeal decision APP/G1250/W/18/3205623 at a nearby site has been brought to my attention in determination of this appeal, with regard to their consideration of Manual for Streets guidance with regard to direct access onto roads with a 30mph speed restriction such as Talbot Avenue. However, as noted by the Inspector '*it would be necessary for the access... to be optimally positioned to allow access and egress with minimal obstruction to the general flow of traffic*'. On balance, I am not satisfied that the access serving the appeal property is optimally positioned, to accommodate additional movements that would minimise obstruction to the flow of traffic along an identified distributor road owing to its location close to the roundabout, an existing restricting factor on vehicular flow.
9. It has been brought to my attention that the stopping sight distances from vehicles already fall below those recommended within Manual for Streets. Although I acknowledge lack of previous collisions identified on exit from the roundabout onto Talbot Avenue within the provided accident data, the current situation with vehicles stopping within the carriageway to make a right turn is not ideal. Owing to the characteristics of flow adjacent to roundabouts and suggested shortfall in stopping sight distances, I am not persuaded that a lack of recorded accidents to date justifies an intensification of the access and resulting potential for conflict.
10. I acknowledge that there are a number of existing vehicular accesses onto Talbot Avenue and that such existing access arrangements already precipitate

a number of right turn movements. However, not all of these accesses are in such close proximity to a roundabout and as such their use would, to my mind, generally have differing impacts upon traffic flow.

11. The appellant has drawn my attention to the provision of a crossing point that requires vehicles to stop on a roundabout. However, in the absence of further details, I am not satisfied that the circumstances are directly comparable to the site in question. In any event, I have determined the appeal on its individual planning merits and within its particular context. As such the referenced example does not alter my findings with regard to the highway safety impacts of the appeal proposal.
12. I acknowledge that the site may represent a suitable location for residential development that is well served by public transport. However, the proposal would increase the intensity of residential use and availability of car parking within the site through the provision of a formalised layout. As such, I am not persuaded that this would necessarily result in a significant reduction of vehicular movements associated with the site.
13. For the above reasons, I conclude that the proposal would interfere with the flow of traffic and would represent an unacceptable risk to highway safety. As such the proposal would not comply with saved Policy 8.1 of the LP that seeks to enhance traffic flow on County Distributor Roads including through improvement to existing arrangements. The proposal would also be at odds with Policy CS41 of the adopted Bournemouth Local Plan Core Strategy 2012 (CS) that seeks, amongst other things, to contribute positively to the safety of the public realm. I also therefore find conflict with the guidance contained within Chapter 9 of the Framework.

Special Protection Area, SSSI, Ramsar and Special Area of Conservation

14. The site lies between 400 metres and 5 kilometres of the designated Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC. Cumulatively with other development in the area, the appeal development would be likely to have a significant effect on these sites, and without mitigation it could have an adverse effect on their integrity.
15. Policy CS33 of the CS states that development will only be permitted where it will have no adverse effect on the heathlands. The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD) sets out the Council's approach to the mitigation of such harmful effects. This sets out that all new residential development between 400 metres to 5km of the protected heathlands is subject to a financial contribution towards mitigation measures in order to avoid adverse effects on the integrity of the sites.
16. The appellants have provided a completed unilateral undertaking (UU) which would provide a contribution to the Dorset Heathlands Strategic Access Management and Monitoring (SAMM). Had I been minded to allow the appeal it would have been necessary for me to undertake an Appropriate Assessment of the development in order to confirm its effect and need for mitigation. I would have also required a consultation response from Natural England. However, as I have found harm in relation to the first main issue there is no need for me to consider this further.

Other matters

17. The appellant has raised concern with regard to the lack of highways concerns raised during pre-application discussions. Whilst I acknowledge these comments, this is not directly relevant to my assessment of the appeal which I have considered on its planning merits.
18. Both parties make comment with regard to alternative access arrangements to the site and potential contributions towards schemes to improve the safety of the roundabout. However, neither of these matters are before me and I have been given no evidence that an alternative access arrangement is a likely fall-back position. Consequently, I have determined the appeal on its planning merits.
19. None of the other matters raised alter or outweigh my conclusions on the main issues.

Planning Balance

20. The Council indicates that it cannot demonstrate a 5-year housing land supply, whilst I acknowledge the Housing Delivery Test results have recently been published, that indicate a change in housing land supply buffer may be required.
21. For the reasons detailed above, I have found that the development would be harmful to highway safety. Even if the supply of housing land falls below 5 years and the tilted balance by virtue of footnote 7 of paragraph 11 of the Framework was applicable to this proposal, the determinative policies referred to are consistent with the Framework and as such are not out of date. It follows that the policy conflict I have identified carries full weight.
22. Although there would be two additional dwellings, with associated social and economic benefits, this would make only a minor contribution to local housing supply and the local economy and community. Such limited benefit would not outweigh the harm I have identified above.
23. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.

Conclusion

24. For all the reasons given above, the appeal is dismissed.

Robert Lankshear

INSPECTOR