
Appeal Decision

Site visit made on 16 June 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 25th June 2020.

Appeal Ref: APP/Y3940/W/19/3240871
100 London Road, Salisbury, Wilts SP1 3HA

- 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 David Simpson against the decision of Wiltshire Council.
 - The application Ref 19/07931/FUL, dated 4 August 2019, was refused by notice dated 18 October 2019.
 - The development proposed is described as dropped kerb required at the above property with access from the highway across the pavement to the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal site is at one end of a terrace of 5 residential properties alongside the A30 London Road, a main arterial route into and out of Salisbury. Although the front of the appeal site is partly hardsurfaced and used to park a car, there is no dropped kerb in front and as such no formal vehicular access currently.
4. Most of the other properties in the terrace have low fences across the front and side boundaries. These significantly restrict visibility from the proposed access in both directions, and would also limit the ability of oncoming traffic to see a vehicle exiting the proposed access. In my view, this visibility would fall significantly short of what could be considered to be safe, even with the 30mph speed limit on this part of the road. Furthermore, a vehicle exiting the proposed access, even in forward gear, would need to pull across the footway for the driver to be able to look for oncoming traffic, introducing potential for conflict between vehicles and footway users.
5. There is insufficient space within the front garden of the appeal site for a vehicle to turn around within the site. As such, vehicles would have to reverse either into or out of the proposed access, introducing conflicting traffic movements onto the A30. The road is busy and experiences a constant flow of traffic and therefore, vehicles on the A30 are likely to have to slow or stop to allow vehicles to manoeuvre into or out of the appeal site, with consequent risk of accidents.
6. The appellant refers to other dwellings with dropped kerbs and no turning in the vicinity of the site and I recognise that such conflicting manoeuvres already take place. However, there is no substantive evidence before me that those accesses benefit from planning permission. Those on the opposite side of London Road

appear to be of some age, and therefore may not have been subject to planning control. In any event, the substantial verge between the footway and carriageway on that side of the road would allow vehicles exiting these properties to wait clear of the highway to enter the A30, reducing the potential for conflict with oncoming traffic. There is a lengthy dropped kerb in front of Nos 88 and 90 which would enable vehicles to park parallel to the A30 and therefore enter and leave in a forward gear, which is not the case with the appeal site.

7. The access to the supermarket further up London Road has a right turn lane on the A30, a two-lane entrance junction, and significantly greater visibility in both directions than the appeal site, despite its location close to the brow of the hill. Therefore, although it is in a 40mph limit and would generate considerable traffic, it has evidently been designed to minimise potential conflict and manage vehicle movements to and from the A30.
8. Consequently, none of these existing accesses are comparable to the situation at the appeal site. In any event, given the risk to highway safety posed by vehicles reversing onto or from the A30, it would not be appropriate to allow a development which would further add to this risk, particularly given the history of accidents in close proximity to the site.
9. Accordingly, the proposal would result in significant harm to highway safety and as such would conflict with Policies CP57 and CP61 of the Wiltshire Core Strategy 2015 (CS) which, amongst other things, require development to create safe and accessible places and be served by safe access to the highway network.
10. Although the appellant contends that the relevant parts of the CS are ineffective in this situation, nevertheless they are consistent with the National Planning Policy Framework (the Framework), which seeks to achieve safe and suitable access for all users. The proposal would result in unacceptable impacts on highway safety, and as such would conflict with the Framework.

Other Matters

11. The layby opposite the appeal site provides parking for numerous cars and there is no compelling evidence before me that existing on-street parking impacts harmfully on highway safety. The proposal would replace one on-street parking space with one off-street space so would not increase parking provision overall, and would not therefore contribute to the availability of parking locally.
12. It has not been demonstrated that the proximity of the proposed dropped kerb to that of No 98 would result in any material benefits either visually or to the operation of the highway, or that improvements to the appearance of the footway could not be achieved by other means, such as resurfacing works by the highway authority. As such, these matters carry minimal weight and do not outweigh the significant harm identified.

Conclusion

13. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR