

Appeal Decision

Site visit made on 17 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/N1160/D/20/3248247

63 Church Road, Plymstock, Plymouth PL9 9AT

- 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 Marc Norman against the decision of Plymouth City Council.
 - The application Ref 19/01723/FUL, dated 29 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is retrospective vehicle hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was retrospective and I saw during my visit that the development was complete save for the removal of a section of the front boundary wall (as per submitted plan ref 16024-201-P1).

Main Issue

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

Reasons

4. A proposal to create a vehicle hardstanding at the site was considered under a previous appeal¹. Since that time, the Council has adopted the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (adopted 2019) (JLP). The Council's Development Guidelines Supplementary Planning Document (SPD), adopted in May 2013, has not yet been superseded. As such, whilst the policy context has changed in some respects, the nature of the scheme and its surroundings is relatively unchanged since the previous appeal.
5. The appeal site is located in the southern stretch of Church Road and within approximately 17.5 metres of its junction with Stanborough Road. Though the southern section of Church Road is a dead-end, there are a small number of roads which filter into and out from it, including Dunstone Road, Peeks Avenue and Holland Road. Notwithstanding that I visited at a time when traffic flows may have been lighter than usual, and that the route is not used by buses, the road appeared to be regularly accessed by through traffic.
6. The appellant indicates that this stretch of Church Road should not be strictly considered as a classified road, due to the way in which it terminates in a dead end. Though the Council may have given some consideration to the necessity

¹ Ref APP/N1160/D/17/3169552

for this level of classification, it does not appear that the road has been declassified.

7. The Council indicates that on classified roads, accesses should be positioned a minimum of 15 metres from the junction. For non-classified roads, this minimum distance reduces to 10 metres. The appeal site is approximately 17.5 metres from the stop line of the junction with Stanborough Road, although the appellant's evidence indicates that the retention of a section of wall adjoining the northern boundary would ensure that it were around 21 metres from the stop line.
8. Notwithstanding the 85th percentile speeds and volume of traffic recorded in the vicinity of the site, the difference between the proposed position of the access from the junction and the suggested minimums of 10 or 15 metres is modest and is unlikely to provide much useful reaction time in the event of a conflict between a vehicle passing and one emerging from the access.
9. The SPD envisages that such accesses will serve hardstandings of sufficient size to allow a vehicle to enter and exit in forward gear. That is not the case here. The available area of approximately 6 metres by 7 metres would not allow such a turning manoeuvre to be accomplished, meaning that any vehicle using the hardstanding would be required to reverse into or out of the site.
10. Due to the position and height of the walls either side of the site, the visibility for emerging vehicles is particularly constrained. This compounds the issue of the close proximity of the access to the junction, as combined with a lack of footway onto which a gradual reversing manoeuvre could be made, there is insufficient visibility to allow for vehicles to emerge safely.
11. I have considered the absence of recent accident data for the road network in the vicinity of the site. From the appellant's evidence, I also note that some other domestic accesses and nearby roads, including Peaks Avenue, have compromised visibility. Though I do not have any indication as to why those other substandard accesses were previously found to be acceptable, from my own experience, such substandard visibility can lead to prejudicial highway safety conditions that the policies of the JLP seek to avoid.
12. I note that the gradient of the hardstanding presents no impediment to its ease of use and that it has been constructed with adequate drainage and sympathetic materials. However, these factors do not suggest that the proposal would be inherently safe. The suggestion to install a mirror to aid reversing manoeuvres in addition to that which presently exists would not provide a suitable long-term remedy for insufficient visibility splays, particularly as a condition requiring the use of third party land could not be adequately enforced.
13. I am mindful that there would be some limited benefits through the reduction in demand for on-street parking and increased convenience for the occupants of No 63. I am also sympathetic to the appellant's situation in light of the pre-application process which sought to explore possible solutions. That there is support from local residents is also a matter to which I have given consideration. However, these factors, taken individually and as a whole, do not outweigh the identified harm in relation to the main issue.

14. In view of this main issue, the development would prejudice highway safety. It would therefore conflict with, in particular, Policy DEV29 of the JLP. This Policy, amongst other things, seeks to ensure new development contributes positively to the achievement of a high quality, effective and safe transport system in the Plan Area. For similar reasons, the proposal would also conflict with guidance in the SPD insofar as it requires domestic hardstandings of sufficient size to allow for cars to enter and exit in forward gear.

Conclusion

15. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR