
Appeal Decision

Site visit made on 7 July 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 16th July 2020.

Appeal Ref: APP/Y3940/D/20/3252091

178 Yew Tree House, Sheldon Road, Chippenham, Wiltshire SN14 0BZ

- 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 Mrs Claire Bracey against the decision of Wiltshire Council.
 - The application Ref 19/11277/FUL, dated 18 November 2019, was refused by notice dated 27 April 2020.
 - The development proposed is described as, 'To remove half of our front garden and replace with a driveway for up to four cars. Also to drop the kerb in front of our property over a public path.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the header above is taken from the application form. The original plans submitted to the Council showed a 6m by 7m hardstanding with a 6m wide dropped kerb and proposed parking for up to 4 cars. A revised plan was submitted during the application process, showing 2 cars parked parallel to the front boundary of the appeal site, with a smaller dropped kerb 3.6m in width. The revised plan appears to have been subject to public consultation and to have been used by the Council when reaching its decision. Therefore, I have considered the appeal on the basis of the revised plan.

Main Issue

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

Reasons

4. The appeal site is close to a roundabout at the junction of Sheldon Road and Hungerdown Lane. The pavement in front of the site is a shared pedestrian/cycle path, however just beyond the site, in front of No 176, markings on the pavement direct cyclists back onto the carriageway of Sheldon Road.
5. Visibility at the existing pedestrian access is heavily restricted by the front boundary hedges of the appeal site and both neighbours. Consequently, when approaching the site in either direction along the shared path, oncoming pedestrians and cyclists are partially screened from view. Although it is proposed to remove the hedge along the front of the appeal site, the hedges in front of both neighbouring properties would remain. Therefore, visibility for drivers exiting the proposed access would be significantly restricted in both directions. As such, vehicles are likely to have to pull forward onto the shared path to look for oncoming traffic, giving rise to significant potential for conflict with oncoming

- pedestrians and cyclists. This would also occur at a point where cyclists would be just about to divert onto the road, and are therefore likely to be looking to their right for oncoming traffic rather than to their left towards the proposed access, putting them at particular risk of collision with emerging vehicles.
6. Consequently, the proposal would have a significant adverse impact on the safety of users of the shared path. As the neighbouring hedges are outside of the appellant's control, it has not been demonstrated that any further improvements to visibility could be achieved to mitigate this impact.
 7. The proposed layout would allow for 2 cars to park parallel to the front boundary, however due to the width of the appeal site, there would be only a few metres behind either vehicle, leaving insufficient space for them to manoeuvre and turn within the site. Although the appellant contends that both cars could drive in, park and drive out forwards, no tracking diagrams or other substantive evidence has been provided to demonstrate that this would be possible with the restricted space available. Consequently, the proposal would be likely to result in vehicles reversing into or out of the proposed access, introducing conflicting movements onto the highway. In this location close to a roundabout this would result in significant harm to highway safety.
 8. Furthermore, I saw at my site visit that there were no parking restrictions on Sheldon Road and that cars were parked in most available on-street spaces on the northern side of the road. If cars were parked on-street either side of the proposed access, vehicles exiting the site would not be easily visible to oncoming traffic, resulting in further risk of accidents.
 9. Accordingly, the proposal would result in significant harm to highway safety and would therefore conflict with Core Policy 57 of the Wiltshire Core Strategy 2015 which requires, amongst other things, a high standard of design which ensures that places are safe and accessible; and with Core Policy 61 which requires proposals to demonstrate that consideration has been given to the needs of all transport users including pedestrians and cyclists, and that the proposal is capable of being served by safe access to the highway network. In addition, by making it less safe to walk or cycle on the shared path the proposal would conflict with the aims of Core Policy 60 to promote sustainable transport alternatives.
 10. Furthermore, the proposal would have an unacceptable impact on highway safety and would not provide safe and suitable access for all users, resulting in conflict with the requirements of the National Planning Policy Framework (the Framework).
 11. The Council has cited Core Policy 64 i) d) in its reason for refusal, however that section of the Policy relates to parking provision for new residential development, which is not what is proposed in this appeal. As such, I find no conflict with that Policy. This does not however justify the significant harm that I have identified.

Conclusion

12. The appeal is therefore dismissed.

L McKay

INSPECTOR