
Appeal Decision

Site visit made on 27 July 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/B1605/W/20/3245563

Sandhurst Road, Charlton Kings, Cheltenham GL52 6LJ

- 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 Simon Kane against the decision of Cheltenham Borough Council.
 - The application Ref 19/01962/FUL, dated 30 September 2019, was refused by notice dated 4 December 2019.
 - The development proposed is the installation of an automatic barrier at the Ryeworth Road entrance to Sandhurst Road for which the barrier is to be set back 12m from the highway, resurfacing of unmade parts of the road, and painting of double yellow lines.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Simon Kane against Cheltenham Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development is taken from the appellant's Appeal Forms which better reflects the revised proposal, following amendments during the planning application process.
4. The Cheltenham Plan was adopted on Monday 20th July. This superseded the policies within the Local Plan (2006). The Council have provided an update with revised reasons for refusal based on the new adopted policies. The appellant has provided comment on the Council's comments and update.

Main Issue

5. The main issue is the effect of the development on (1) highway safety in the area, (2) the character and appearance of the area, and (3) the living conditions of occupants of Sandhurst Road.

Reasons

Highway Safety

6. The proposal is for a controlled barrier across the vehicular carriageway of Sandhurst Road, near the junction with Ryeworth Road. Sandhurst Road is a

- private road and is understood to be the responsibility of all those properties that front this road. The road is not maintained at public expense.
7. Being a private road, the appellant has argued that nobody who does not live on this road or have some sort of right across it should not be driving along this road or park here. A legal opinion has also been submitted making a similar argument which I have taken into consideration. There is a public right of way (footpath numbered ZCK28) along this route, but the appellant states that the barrier would not prevent or block this, only the vehicular carriageway. In this regard, the proposal does not adversely impact the use of the public right of way.
 8. The Council Highway Authority have stated that it is classed as a Highway but is not maintainable at the public expense. If this is a highway then it is my understanding that the public can use this road, although the appellant contests that this is a public highway for people to park on or drive through. From my site visit I observed cars using this road seemingly as a through route from London Road through to Ryeworth Road and in the opposite direction.
 9. It is clear that this road (even as a private road) is used by those who do not have property on this street, and this has likely been the case for some time. Any previous barrier would have been many decades ago. There have been signs erected to let drivers know this is a private road, but it is not clear whether this has had much effect in preventing through traffic or parking on this street by those who do not live here.
 10. Whether there is a right for the general public to use this road to drive along or not, a barrier near this junction would interrupt the free flow of traffic. It could be, for example, that someone turns into the street not aware of the barrier and may then have to reverse out onto the relatively narrow Ryeworth Road, which also has a high level of on street parking from my observations. This would have the potential of resulting in a significant highway safety concern. Even if all residents of Sandhurst Road had means of access past the barrier, visitors or delivery drivers may have trouble using this barrier which could block the entrance to the street and possibly cause obstruction back onto Ryeworth Road, which would likely have highway safety implications, even with the barrier set back from the junction.
 11. Furthermore, if vehicles were to enter Sandhurst Road from London Road to travel up to Ryeworth Road then they could be obstructed by the barrier and potentially have to reverse and manoeuvre to go back the way they came. This could also result in some level of obstruction and confusion within Sandhurst Road. Signage could help to avoid this, but I am not persuaded that this would be noticed by all drivers to fully avoid such circumstances.
 12. The barrier may have some safety and other general benefits, as set out by the appellant, for those who live on Sandhurst Road, due to less parking issues or through traffic by those who do not live on these streets, but such benefits would be substantially outweighed by the highway safety harm caused by the barrier close to the junction with Ryeworth Road.
 13. Even with new parking restrictions and re-surfacing, it is my view that the installation of a barrier near a junction which has for many years been open for use could result in significant adverse highway safety implications. As such, the proposal is contrary to policy INF1 of the Joint Core Strategy for Gloucester,

Cheltenham and Tewkesbury (adopted December 2017). This policy requires that development should provide safe and accessible connections to the transport network, amongst other things.

Character and Appearance

14. The barrier would be set back within Sandhurst Road from the junction with Ryeworth Road. Details of the barrier appearance have been submitted with the appeal. In my view, whilst the barrier would appear at odds with the residential street character, it would be a modest addition with little visual impact. It would also not be visible from the wider area to any significant degree.
15. Therefore, the barrier would not be harmful to the character and appearance of the street scene or the wider area, thereby being in accordance with policies D1 of the Cheltenham Plan and SD4 of the Joint Core Strategy, which requires that development adequately reflects the urban and architectural design and respects the character of the locality, amongst other things.

Living Conditions

16. In blocking the highway the barrier could be an unwanted obstruction to occupants of houses in Sandhurst Road, with objections being received. However, it is understood that they would be able to use this barrier and so any imposition on them would be minor in terms of time lost or similar issues.
17. It would be visible from nearby houses in this street, but it would be a modest sized addition and would not directly harm the amenities of these occupants.
18. In this regard, the proposal is in accordance with policies SD14 of the Joint Core Strategy and SL1 of the Cheltenham Plan, which requires that development would not cause unacceptable harm to the amenities of adjoining land users, amongst other things.

Conclusion

19. For the reasons of the harm to highway safety and considering all matters raised, the appeal is dismissed.

S. Rennie

INSPECTOR