
Appeal Decision

Site visit made on 27 October 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/D1780/D/20/3258957
54 Midanbury Lane, Southampton SO18 4HD

- 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 O Roach against the decision of Southampton City Council.
 - The application Ref 20/00382/FUL, dated 4 March 2020, was refused by notice dated 24 July 2020.
 - The development proposed is installation of electric gates and a 1.78m high timber fence.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development is taken from the decision notice and appeal form, since this more accurately describes the proposal than the description used on the planning application form.

Main Issue

3. The main issue is the effect of the proposal on the safety and convenience of users of the adjacent highway network.

Reasons

4. The appeal property comprises a detached split-level dwelling on a sloping site which rises towards the site frontage. There is a driveway to the side of the building which benefits from dropped kerb access to the highway. Existing visibility when exiting the access is good due to the open plan frontages of the appeal site and the neighbouring property to the south, both of which have no front boundary walls, fences or gates. To the north of the site is an area of mature trees which is enclosed by timber frontage fencing. On the opposite side of the road is Charlton House School, which is served by two vehicular accesses onto Midanbury Lane within the immediate vicinity of the appeal site.
5. The proposal, due to a combination of the height and solid design of the gates and fencing, and their position in relation to the site frontage, would significantly impede upon existing sightlines in this part of the road. The proposed 25m visibility splays would fail to achieve the minimum 43m requirement of the Manual for Streets guidance. Also, due to the proximity of the gates to the site frontage, vehicles entering or exiting the site are likely to

- be positioned so that they obstruct the highway whilst the driver opens or closes the gates.
6. The site is located at a bend in the road, and where the road rises notably in a northerly direction. Apart from an area of zig zag markings close to the school entrance, there is on-street parking availability on both sides of the road within the immediate vicinity of the appeal site. Whilst there was little evidence of on-street parking at the time of my site visit, which took place during a weekday morning, this only represents a snapshot in time, and is not representative of times when there is likely to be more parked cars and highway users within the appeal site locality, including school dropping off and picking up times.
 7. Having regard to the combination of the aforementioned nature of the appeal scheme, the highway characteristics within the vicinity of the appeal site, and the location of the site in close proximity to the school, I have taken the precautionary principle. In the absence of any cogent evidence from the appellant to the contrary, I find that failure to provide adequate sightlines at the appeal site and sufficient space to the front of the gates to accommodate a waiting vehicle, would give rise to the potential to hinder the safe and free flow of traffic within the site vicinity.
 8. For the above reasons, I conclude that it has not been satisfactorily demonstrated that unacceptable harm would not be caused to the safety and convenience of users of the adjacent highway network. Accordingly, I cannot conclude that the proposal would accord with Policy SDP1 of the *City of Southampton Local Plan Review (Amended March 2015)*, which aims to ensure that new development does not unacceptably affect the safety and amenity of the city and its citizens.
 9. For similar reasons, I cannot conclude that the proposal would be in accordance with Paragraph 109 of the National Planning Policy Framework which seeks to avoid an unacceptable impact on highway safety and severe residual cumulative impacts on the road network.

Other Matters

10. The appellant has drawn my attention to the existence of other frontage gates within this part of the road which are similarly positioned in relation to the road as those of the appeal scheme. I have not been provided with detailed information in respect of their location, design, and planning history. In any case, I must determine the appeal on the merits of the proposal before me and the particular circumstances having regard to the location of the appeal site.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR