



Appeal Decision

Site visit made on 12 November 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Appeal Ref: APP/V1260/D/20/3257979

26 Granby Road, Muscliffe, Bournemouth BH9 3NY

- 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 Eileen Horne against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-24997-C, dated 2 May 2020, was refused by notice dated 29 July 2020.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension at 26 Granby Road, Muscliffe, Bournemouth BH9 3NY in accordance with the terms of application, Ref: 7-2020-24997-C, dated 2 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GR 100/01 REV B
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The appellant submitted amended plans part way through the determination of the planning application. For the avoidance of doubt, I have determined this appeal on the basis of the amended plans.
3. The appellant has submitted a revised swept path analysis with the appeal. Whilst I acknowledge that the plan does not seek to evolve the original proposal, it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. To this regard, I note that the appeal before me is a householder appeal where the local planning authority and other interested parties, including the local highway authority (the 'LHA'), were not afforded the opportunity to submit additional comments. For this reason, I have not had regard to this document as part of the determination of this appeal.

4. Section 8 of the planning application form states that it is proposed to extend the dropped kerb as part of the development. However, no details of the proposed dropped kerb have been provided by the appellant. Nevertheless, I note that the amended site plan¹ shows that an existing dropped kerb to the front of the site would be retained as part of the development. On my site visit I observed that there was a lengthy dropped kerb located to the front of the appeal site. The positioning of the dropped kerb aligns with the annotation on the amended site plan. Based on the evidence before me, it is apparent that the proposed development would utilise the existing dropped kerb at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis.

Main Issue

5. The main issue is the effect of the development upon highway safety.

Reasons

6. The appeal property is a detached bungalow located on Granby Road. It is proposed to erect a single storey front extension. The extension would provide additional floorspace to an existing bedroom.
7. The LHA explain that the development is required to provide a minimum of one on-site parking space to meet the Council's parking standards, as set out within the Council's Parking Supplementary Planning Document (the 'Parking SPD').
8. The proposed plans show that an existing paved area to the front of the existing dwelling would be retained and used to provide one on-site parking space. The Council argue that in its current form the proposed parking layout would be prejudicial to the highway safety of all road users. They explain that a lack of 'detailed information' has been submitted to demonstrate and substantiate a satisfactory design led approach to the provision and layout of the proposed car parking.
9. The appellant does not explain how the layout of the proposed development would satisfy the design requirements for on-site parking as set out within the Parking SPD. In the absence of such information, I cannot conclude that the proposal would accord with the Parking SPD. For this reason, the proposal would not accord with Policy CS16 of the Bournemouth Local Plan: Core Strategy (the 'CS'), which explains that parking provision for new development shall be in accordance with the Council's adopted parking standards.
10. Planning law², as noted by paragraph 12 of the National Planning Policy Framework (the 'Framework'), dictates that planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
11. In this instance, the appeal property is served by an existing paved area which is used for on-site car parking by the occupiers of the appeal property. The parking area is accessed by an existing dropped kerb that serves both the appeal site and No 26A Granby Road. During my site visit there were two cars parked within this area. Neither of the vehicles were overhanging on to the pavement.

¹ Drawing no: GR 100/01 REV B

² Section 38(6) of the Planning and Compulsory Purchase Act 2004

12. Given the above, regardless of the outcome of this appeal, I am mindful that the existing paved area to the front of the appeal property would remain, and the appellant could continue to use the area for on-site parking for up to two vehicles.
13. On my site visit I observed that Granby Road was a relatively straight road with low traffic speeds. Moreover, the existing fencing either side of the on-site car parking area was of a low height. For these reasons, when manoeuvring in and out of the existing on-site parking area, I consider that drivers would have a clear view of on-coming vehicles and pedestrians using the pavement. Therefore, the existing parking arrangement is not prejudicial to highway safety.
14. The proposed development would retain the existing paved area and dropped kerb. The Parking SPD requires the development to provide one on-site parking space. Whilst the layout of the proposed development may not accord with the Council's design guidance for parking spaces, based on the evidence before me, which includes my site observations, I am satisfied that the proposed development would be able to provide one on-site parking space and the use of the parking area would be unlikely to prejudice highway safety.
15. For the reasons outlined above, notwithstanding the conflict with Policy CS16 of the CS, I conclude that the proposed development would preserve highway safety for all road users. Consequently, and in this regard, there would be no conflict with paragraph 109 of the Framework which explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Therefore, in this particular case, the material considerations indicate that planning permission should be granted.
16. Given my findings above, I conclude that the proposal would accord with Policy CS41 of the CS, which amongst other things, states that development should provide a high standard of amenity to meet the day to day requirements of future occupants.

Conditions

17. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
18. In the interests of the character and appearance of the area, it is necessary to impose a condition requiring the external materials to match those on the existing property.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell

INSPECTOR