



Appeal Decision

Site Visit made on 26 November 2020

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/Z3635/D/20/3258584

102 Windmill Road, Sunbury On Thames TW16 7HB

- 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 and Mrs Dhanesh Rughoo against the decision of Spelthorne Borough Council.
 - The application Ref 20/00640/HOU, dated 8 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is for a crossover.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is located on Windmill Road which is a classified A road (A244). It is a busy urban thoroughfare which is described as having reasonably high flows of traffic. The road directly outside the appeal property also incorporates a designated cycle lane. The pavement between the appeal site and the carriageway is wide and is used informally for vehicle parking.
4. The proposed development would form a vehicle crossover to provide access to an existing area of hardstanding outside the appeal property. This area is wide enough to accommodate up to two vehicles parked alongside each other but does not provide adequate space for vehicles to turn. Entering or exiting from the site would therefore require some reversing onto or off the highway.
5. Due to traffic flows and speeds along the road, the Council's highways officer considers drivers would favour driving into the site in forward gear, particularly if approaching from the far side carriageway or where traffic is following closely behind. Whilst traffic levels were probably lower during my site visit due to restricted travel due to Covid-19 restrictions, I nevertheless observed the road was reasonably busy and traffic was moving at speed. In normal circumstances, traffic levels would therefore be likely to be higher. This leads me to concur with the Council's view on how the site would be accessed.
6. The wide footpath provides good visibility of the carriageway in both directions. However, drivers exiting the site in reverse would be positioned further from the carriageway. Visibility to the north from this position is restricted by a high fence between the front garden and forecourts of 98 and 100 Windmill Road

- which is land outside the appellants' control. This fence would reduce the visibility of pedestrians using the footpath to drivers.
7. On exiting the site, drivers would have restricted visibility and would need to cross both the footpath between any cars parked on it and the cycle path and enter a flow of traffic in reverse gear. This would significantly increase the risk of collisions between users of the highway. Moreover, in order to travel south would additionally require a reversing movement across traffic in the nearside carriageway. This would add to this risk.
 8. The appellants have indicated that one of them is a Blue Badge holder and that they are allowed to park on the pavement. They have suggested that they would use this area in order to reverse into the space with no disruption to traffic flow. I have no evidence that this would be permissible. In any case, in using the pavement for reversing manoeuvres onto the drive, the risk of conflict with other road users, especially pedestrians, would be significantly increased. This does not therefore overcome my concerns.
 9. My attention has been drawn to various locations along the road where dropped kerbs exist. However, I do not have the full details of these cases and the circumstances in which these crossovers were formed. In any event, I must assess the scheme before me on its own individual merits which I have done.
 10. I have given due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Amongst other things, for the purposes of the Equality Act protected characteristics includes disability.
 11. I note the evidence put forward by the appellants including a letter of support from the appellants' GP for the provision of a parking bay outside their home. I sympathise with the appellants' situation and understand the desire for more convenient access to the dwelling and the benefits to the appellants from this. However, I am also mindful that the Blue Badge enables the appellants to park close to their home although I acknowledge this may not provide the same convenience of access as the proposed development. However, I find that the wider public interest and the potential for an increased risk to the safety of highway users outweighs these benefits and is determinative in this case.
 12. I conclude that the proposal would be significantly harmful to highway safety. It would therefore conflict with Policy CC2 of the Core Strategy and Policies Development Plan Document 2009 which only permits development that is compatible with the transport infrastructure taking into account highway safety and access and egress to the public highway. It would also not accord with the National Planning Policy Framework which requires development to provide safe and suitable access and to prevent development that would have an unacceptable impact on highway safety.

Conclusion

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

Rachael Pipkin
INSPECTOR