
Appeal Decision

Site visit made on 9 February 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/J1725/D/20/3262907

16 Marine Parade East, Lee-On-The-Solent PO13 9LA

- 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 J & A Ainsworth against the decision of Gosport Borough Council.
 - The application Ref 20/00138/FULL, dated 15 April 2020, was refused by notice dated 3 September 2020.
 - The development proposed is removal of front boundary wall and construction of dropped kerb to provide vehicular access onto classified road.
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Decision

1. The appeal is allowed and planning permission is granted for removal of front boundary wall and construction of dropped kerb to provide vehicular access onto classified road at 16 Marine Parade East, Lee-On-The-Solent PO13 9LA in accordance with the terms of the application, Ref 20/00138/FULL, dated 15 April 2020, and the plan submitted with it, 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 plan:
Drawing 01 titled 'Proposed Front Entrance' (as submitted 30 July 2020 and showing the retention of a section of the front boundary wall at the northwest end of the site frontage).

Main Issue

2. The main issue is the impact of the proposal on highway safety and convenience.

Reasons

3. The appeal site is located on the northeast side of Marine Parade East (MPE) on the edge of the built-up area of Lee-On-The-Solent, and opposite Lee-On-The-Solent beach and a public car park. The site is occupied by a detached, two-storey house. A low front boundary wall encloses the site frontage, incorporating a pedestrian access. There is a garage to the rear of the house which is accessed from a rear service road.

4. MPE is a classified road (B3333), providing a key route through Lee-On-The-Solent. This stretch of the road is characterised by residential properties fronting the coast, having low front boundary walls enclosing either landscaped front gardens or hard-surfaced forecourts. Many properties have retained pedestrian access only onto MPE, having parking and access situated to their site rear. However, several properties within the locality include forecourt parking accessed directly from MPE. These include Nos.12/13, where the access width allows for the on-site parking of two vehicles, as approved by the Council in March 2014 under permission Ref 14/00035/FULL. Also, the adjacent property at Nos. 14/15 has provision for one on-site parking space accessed directly from MPE. The Council has confirmed that this arrangement is longstanding but there is no associated planning history. I also observed during my site inspection, similar forecourt parking and access arrangements further to the southeast along MPE.
5. The proposal is to remove part of the front boundary wall of the appeal site to provide block paved forecourt parking accessed from MPE via a new dropped kerb. The plan was amended during the course of the application to include the retention of an approximately 2.5m length of front boundary wall at the northwest end of the frontage, not to exceed 0.7m in height.
6. The Council considers that the standard requirement for any access onto a classified road is that it must be able to provide on-site turning provision to enable vehicles to leave the property in a forward gear. This requirement is contained within the Council's adopted *Parking: Supplementary Planning Document* (2014) (Parking SPD). The Council's reason for refusal is that the failure to demonstrate this requirement is likely to result in vehicles reversing out onto MPE interrupting the free flow of traffic in a way that would harm the safety and convenience of highway users.
7. The appellants have not submitted tracking diagrams to demonstrate that the proposal would enable cars to access and egress the site in a forward gear. Having regard to the space available at the front of the property, I consider it unlikely that this could be achieved. As such, the appeal proposal would result in a similar access and parking arrangement to that approved at Nos.12/13.
8. There is a difference of opinion between the main parties as to whether the proposal accords with the Standing Advice contained within the Hampshire County Council (HCC) document *Consultation With Hampshire County Council as the Local Highway Authority Notification to Local Planning Authorities* (2017) which sets out the way the HCC as the local highway authority provides consultation responses on planning applications. Notwithstanding this, HCC were formally consulted in respect of the appeal proposal and raised no objection.
9. MPE is wide and straight with a 30mph speed limit along the part in which the appeal site is located. It has wide pedestrian footways on both sides, and street lighting is present. There are parking restrictions along both sides of the road, and a signalised pedestrian crossing is sited approximately 30m to the southeast of the appeal site. The closest highway junction is approximately 50m from the site.
10. Whilst it is a busy road, including during the beach season, having regard to the above road conditions, I concur with HCC that good visibility along this stretch of the road, which can be maintained by the parking restrictions, ,

together with low traffic speeds and breaks within traffic associated with the use of the nearby signalised pedestrian crossing, all combine to present a situation whereby vehicles reversing out of the appeal site are unlikely to harm highway safety or convenience. The remaining part of the front wall would have a maximum height of 0.7m, which, combined with the proposed access width, and other low front boundary treatments within the site vicinity, would also aid intervisibility between vehicles exiting the site and other users of the highway.

11. I am mindful of paragraph 109 of the National Planning Policy Framework (the Framework) which advises that *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
12. Whilst noting the Council's concerns, I have not been presented with any substantive evidence to demonstrate that the existing forecourt parking and vehicular accesses along MPE have resulted in traffic incidents that have endangered the safety and convenience of highway users. The aforementioned similar access and forecourt parking arrangements at the neighbouring properties to the northwest have been in existence for a considerable time, and the Highway Authority has stated that there are no known associated traffic incidents that have arisen from these accesses. I find that this weighs in favour of the proposal. I have also taken into account the low number of daily vehicle movements that would be expected in association with the dwelling house use of the appeal site.
13. I acknowledge that the Development Plan has changed since the approval of permission Ref 14/00035/FULL, which was determined having regard to the previous *Gosport Borough Local Plan Review (GBLPR)* (2006). However, noting the criteria of Policy LP23 of the current *Gosport Borough Local Plan 2011-2029* (2015) (the Local Plan) and those of Policy R/T3 (Internal Layout of Sites) of the GBLPR, which contained a requirement for vehicles to park and manoeuvre in a safe and convenient manner, I find the overall aims and objectives of these policies to be similar. I also note that the Parking SPD had been adopted prior to approval 14/00035/FULL. As such, I do not find that the planning policy situation has changed so significantly since the granting of that permission, that this alone justifies a taking a different approach to the determination of the appeal proposal.
14. The council has referred to the implications of granting the appeal proposal for the determination of future applications for similar proposals. There is no evidence before me to suggest how likely such applications would be. Notwithstanding this, my decision is based on the merits of the appeal scheme before me and the particular circumstances of the appeal site.
15. For the above reasons, and in the absence of cogent evidence from the Council to the contrary, I conclude that it has not been satisfactorily demonstrated that the appeal scheme would result in material harm to highway safety and convenience. Accordingly, I cannot conclude that the appeal scheme would be contrary to the objectives of Local Plan Policy LP23, in so much as this Policy seeks to ensure that a safe environment is maintained within developments, and for development proposals to provide for the convenient movement of all users and appropriate vehicles, and provide appropriate access to premises, vehicle parking and turning.

Conditions

16. I have considered the Council's suggested conditions in accordance with the national Planning Practice Guidance. In addition to the standard implementation condition, it is necessary to define the plans in the interests of certainty and highway safety.

Conclusion

17. For the above reasons, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR