
Appeal Decision

Site visit made on 4 May 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Appeal Ref: APP/Z1775/W/20/3262472

Flat 1, 7 Villiers Road, Southsea, Portsmouth PO5 2HG

- 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 Ms Andrew and Beverley Jane Britchfield and Elmer against the decision of Portsmouth City Council.
 - The application Ref 19/01781/FUL, dated 22 November 2019, was refused by notice dated 30 September 2020.
 - The development proposed is widening of existing pedestrian access to create new vehicular access with off street parking and installation of timber gates and relocation of pier.
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Decision

1. The appeal is allowed and planning permission is granted for widening of existing pedestrian access to create new vehicular access with off street parking and installation of timber gates and relocation of pier at Flat 1, 7 Villiers Road, Southsea, Portsmouth PO5 2HG, in accordance with the terms of the application Ref 19/01781/FUL, dated 22 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: Streetwise Site Location Plan Licence No.100047474; drawing no.01, drawing no.02 and drawing no.03.
 - 3) The development shall be carried out in accordance with the Arboricultural Method Statement Ref 1108.bjh.Feb20 by Bernie Harverson Arboricultural Consultant.

Procedural Matter

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

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site is located in a mixed residential and commercial area within the Owen's Southsea Conservation Area No.2 (OSCA). It lies on the northern side of Villiers Road close to the commercial centre of Palmerston Road. The property comprises one of three flats within a three-storey building. The front garden is enclosed by a high white-rendered wall which includes a solid single pedestrian gate flanked by piers to both sides.
5. Villiers Road is unclassified, and is narrow and winding at its western end. It has street lighting and pavements to both sides, and is restricted to a 20mph speed limit. Evidence remains of painted lines on the carriageway indicating that the western end of the road beyond The Vale was previously one-way from east to west. However, I saw on my site visit, that the road has now been closed off at the junction with Palmerston Road, in association with the pedestrianisation of part of the latter. A road sign positioned close to the junction with The Vale indicates that the western end of the road is 'no-through' for vehicles.
6. The current traffic management system of 2-way vehicular traffic within the part of the road occupied by the appeal site, would require visibility splays to both sides of the proposed access in order to accord with Manual for Streets 2 (MfS2) standards. A combination of lack of ownership by the appellant and a need to protect the character and appearance of the OSCA, mean that the relevant MfS2 standards cannot be achieved.
7. Villiers Road between Vale Road and Palmerston Road is double yellow lined on both sides, and its no-through character is clearly shown on a sign to traffic approaching from the east. With this in mind, and having regard to the narrow nature of the road, the 20mph speed restriction, and a bend close to the appeal site, both the number of vehicles using this stretch of the road and their travelling speed are likely to be very low. I found this to be the case during my site visit, which took place on a weekday afternoon, although I acknowledge that this was a snapshot in time and may not necessarily be representative of traffic levels at other times.
8. The 'no-through' nature of this stretch of the road means that it is likely that many vehicle drivers would be familiar with the street, using it to gain access to properties at the western end of the road. As such, the position of vehicular accesses would be known, thereby reducing the likelihood of drivers being surprised by exiting cars.
9. Furthermore, having regard to vehicular and pedestrian safety, I find that the road circumstances and the limited visibility to the sides of the access would naturally be conducive to drivers exiting the appeal site slowly and using caution. The on-street parking restrictions would mean obstruction from parked cars is not likely to provide a constraint to visibility. Combined with the lightly trafficked and low speed nature of this part of the road, I am not persuaded that the inability to provide visibility splays in accordance with the MfS2 standards would result in material harm to the safety of vehicular and pedestrian users of the road.
10. In respect of the above, I note that MfS2 states that "*based on the research... unless there is local evidence to the contrary, a reduction in visibility below the*

recommended levels will not necessarily be a problem". As such, the objective standards in MfS2 are not determinative.

11. I observed, during my site visit, that a number of residential properties within the immediate vicinity of the appeal site have vehicular accesses onto Villiers Road, including properties to both sides of the appeal site, and that many of these do not meet the MfS visibility splay standards. I note that there have been no recorded accidents in the last five years relating to these existing accesses and I have not been presented with any substantive evidence to demonstrate that these accesses have resulted in traffic incidents that have endangered the safety of vehicular and pedestrian users of Villiers Road. This weighs in favour of the proposal.
12. I also saw during my visit that on-street parking is very limited within the vicinity of the appeal site, by double yellow lines on both sides of the road for most of the length between Palmerston Road and Maple Road, and time-limited or resident permit holder only parking beyond that. I observed, during my site inspection, that several vehicles were parked straddling the pavement within a double-yellow lined part of the road close to the appeal site. As such, the proposal to enable the provision of on-site parking for the appeal property, where none currently exists, would help relieve pressure for illegal on-street parking within the site vicinity. This potential highway safety benefit is another factor in support of the proposal.
13. I am also mindful that, were the appeal property a dwelling house rather than a flat, the proposed means of access could be permitted development under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), given its proposed use in connection with a domestic hardstanding.
14. With all the above factors in mind, I am not persuaded that the failure to meet the MfS2 visibility splay standards in this instance would result in highway danger such that it would warrant withholding permission for the appeal proposal.
15. For the above reasons, I conclude that the proposal would not conflict with the highway safety aims of Policy PCS17 of *The Portsmouth Plan* (2012), nor with Paragraph 109 of the *National Planning Policy Framework 2019* (the Framework), which states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Other Matters

16. I have a statutory duty to consider the impact of the proposal on the designated heritage assets of the OSCA and nearby Grade II listed buildings at nos. 2 and 9 Villiers Road and locally listed building at Vale Cottage. The Council has not found any harm to the character and appearance of the OSCA or the settings of these listed buildings, and neither do I. The significance of the OSCA derives from its development as a Victorian villa suburb. Sylvan winding lanes are a feature, and Villiers Road has a pleasant, tranquil residential character with dwellings set back into their sites behind enclosed, soft landscaped front gardens.

17. The proposal would preserve this frontage treatment, as only a short section of the existing front boundary wall would be removed and replaced with solid timber gates, whilst reinstating the existing gate pier. The proposed hardstanding would comprise a relatively small part of the front garden and would be screened from the street by the front boundary treatment. The remainder of the front garden would be soft landscaped, including replacement planting for a tree which would be removed. As such, I am satisfied that the character and appearance of the OSCA would be preserved and, for similar reasons, the proposal would not adversely affect the setting of the nearby listed and locally listed buildings.

Conditions

18. I have considered the Council's suggested conditions in accordance with Paragraph 55 of the Framework and the National Planning Practice Guidance. In addition to the standard implementation condition (1), it is necessary to define the plans for certainty (2). In the interests of preserving the character and appearance of the OSCA, a condition is necessary to ensure the protection of a tree in the neighbouring front garden (3).
19. A condition is not necessary in relation to the position of the proposed access gates, as I concur with the Council, that leaving a vehicle in the carriageway whilst operating the gates would not result in material harm to highway safety, given the low amount of traffic movements along this part of the road. As such, I am satisfied with the position of the inward opening access gates shown on drawing no.02.
20. The installation of a dropped kerb and footway crossing would be a matter for the highway authority to deal with through the appropriate application process, and as such, a planning condition is not necessary in this respect.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR