



Appeal Decision

Site visit made on 1 June 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/P2114/D/21/3270056

48 Clatterford Road, Newport, Isle of Wight, PO33 1PA.

- 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 Tim Howell against the decision of the Isle of Wight Council.
 - The application Ref 20/01799/HOU, dated 18 October 2020, was refused by notice dated 14 December 2020.
 - The development proposed is a new vehicular access
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has suggested that the alterations to the front garden could be undertaken without the benefit of planning permission and therefore the Council's second reason for refusal is not valid. However, the need or otherwise for planning permission is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

3. I consider the main issues to be:
 - a) the effect of the proposal on highway safety, with regard particularly to visibility; and,
 - b) the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property, 48 Clatterford Road, is the end house in a short terrace of three Victorian dwellings. Along with other detached, semi-detached and terraced properties here it faces the road. It has a front garden that slopes up away from the road. The original garden boundary wall has been partially removed.

Highway safety:

5. The appellant proposes a new vehicular access to the road and alterations to the front garden to provide a hardstanding for parking.
6. Clatterford Road is classified 'B' and restricted to 30 MPH with unrestricted parking on the opposite side of the road to the appeal property. The Highway Authority – Island Roads require, amongst other things, minimum visibility splays of 2.0 meters x 43.0 meters where a new vehicle access forming a junction to the highway network is proposed.
7. However, as I observed on site the required visibility splays to exit the site safely cannot be achieved over land owned or controlled by the appellant. In the absence of appropriate visibility splays, the proposal would prejudice highway safety for all users.
8. I understand, from the appellants evidence, that the majority of the vehicles parked in the road are owned by residents without private off-street parking. The appellant therefore argues that if he were able to park in his garden this would improve highway safety by freeing up an additional pull in space to ease traffic flow along the road. Even if one or two spaces were freed up as a result of this proposal, given typical levels of car ownership, I am not persuaded that this would necessarily improve highway safety as suggested to any significant extent. I therefore give this consideration very limited weight.
9. As I saw on the site visit given the road width and as the parking is so well used the flow of traffic is generally single file with vehicles needing to pull in to allow oncoming vehicles to pass. This results in vehicles speed being reduced as they pass the appeal site. In addition, I noted that road users are also proceeding along the road with a sense of caution, taking into account emerging vehicles from both off and on street parking. Although in the planning balance, I give some weight to this consideration, I do not consider that it is sufficient to outweigh the harm to highway safety due to lack of adequate visibility.
10. I note from all that I have seen and read that there are other properties in the vicinity of the site, including recent development, that lack adequate visibility. Whatever the background to those cases, the existence of other inferior cross overs nearby is not an appropriate justification for permitting another here, which I am required to consider on its own merits.
11. I therefore conclude in respect of the first main issue that by reason of lack of adequate visibility for emerging vehicles the proposal would be detrimental to highway safety. To allow it would therefore be contrary to Policy DM2 of the Island Plan – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document (Adopted March 2012) (LP) which requires development proposals to provide a safe and accessible built environment.

Character and appearance:

12. Although the Council is silent on this matter, I understand from the appellant's evidence and the Questionnaire that the appeal site is located in an Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework (the Framework) requires great weight to be given to conserving landscape and

scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

13. In order to achieve on-site parking and turning, as illustrated, the greater part of the front and side garden would need to be hard surfaced. This would result in a hard, bland frontage in contrast to the majority of generally mature and well planted front gardens of the other dwellings in the road.
14. I appreciate that there are other properties in the vicinity of the site, including recent development, that have hard landscaped front gardens. Nevertheless, the loss of soft landscaping here would, in my judgement serve to denude the character and appearance of the area. Further, given the size of the garden, its location and despite the site being within an established residential area the character and appearance of the AONB.
15. I therefore conclude in respect of the second main issue that the proposal to hard surface the entire frontage of the site, resulting in the loss of soft landscaping and boundary treatment would have a detrimental impact on the character and appearance the area and the AONB in which it is located. To allow the proposal would therefore be contrary to the objectives of the National Planning Policy Framework, LP Policy DM2 and DM12 as they seek, amongst other things, to complement the surrounding area and conserve and enhance AONBs.

Conclusions

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

Philip Willmer

INSPECTOR