
Appeal Decision

Site visit made on 22 June 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 July 2021

Appeal Ref: APP/V1260/W/21/3270688

30 Alton Road, Poole BH14 8SN

- 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 P Rignell as executor of the estate of Mr John Rignell against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/20/01271/F, dated 3 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is described as demolish the existing dwelling and erect two, two storey detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development on:
 - highway safety; and
 - the character and appearance of the area.

Reasons

Highway safety

3. Alton Road has a 30mph speed limit and serves a residential area. As it is a through road, and connects with several other roads along its length, it can be expected to see a reasonable amount of traffic. In such locations the Parking and Highway Layout in Development Supplementary Planning Document (the SPD) echoes Manual for Streets in recommending that junctions are provided with a 43m visibility splay. In this regard the proposed access is already in existence for use by a single dwelling, and it is common ground that a 43m splay does not exist.
4. Indeed, the access is on the inside of a gentle curve in Alton Road, meaning that visibility is curtailed by a combination of highway geometry, and boundary and other features on neighbouring land. On-street parking additionally gives rise to obstructions which mean that when present, oncoming vehicles cross the centre line. This impairs visibility further in relation to vehicles travelling south.
5. The appellant has provided a diagram which seeks to demonstrate that splays of 32m exist. The format of the diagram does not conform with those in the

SPD and MfS. It does not take on-street parking into account, and it shows the right hand splay crossing neighbouring land, where there is a reasonable prospect of future obstruction. The splays themselves are drawn from a point given as 2m from the kerb, but which appears to fall short of this when examined on the ground. The diagram does not therefore provide sound evidence that 32m splays either exist, or that they could be secured. Moreover, the Council has objected to definition of the splays from a point below the standard 2.4m from the kerb. It is clear that were this to be applied, the size of the splays would be reduced further still.

6. In support of a relaxation of the above standards the appellant states that the actual road speed lies at 26mph, and that this should be further reduced in wet weather. As the gentle curve in the road and on-street parking each act to slow speeds, it is likely that average speeds fall below 30mph. However, no properly conducted speed survey has been undertaken which confirms the appellant's figures, therefore they attract no weight. Moreover, even if the required standards were relaxed on the basis of the speeds claimed, my findings above already indicate that the requisite splay either does not exist, or could not be secured, regardless of whether visibility is measured from a point 2m or 2.4m from the kerb. That being so, a realistic risk of collision between vehicles leaving the access and oncoming traffic currently exists, which would be increased by the proposed intensification in use of the access.
7. According to the tracking diagrams submitted, vehicles parked at the site could turn within it, thus allowing forward entry and exit from the access. Whilst this makes no difference to my findings above, it is apparent that in each case turning would require a series of tight manoeuvres in front of the neighbouring dwelling. There would be little margin for error, and some reliance on cooperation between neighbours. The steeply sloping nature of the driveway would add an additional degree of difficulty. These factors would combine to create the prospect of drivers instead opting or being otherwise obliged to reverse out of the access. As visibility would be severely limited in both directions, the manoeuvre would be very hazardous, with a consequent increased risk of collision with both pedestrians and other road users.
8. The scheme would provide one additional parking space over the 4 required by the Council. The additional space would however be a shared visitor space squeezed between the dwellings, and 2 of the other spaces would be provided within integral garages. The additional parking space would not therefore make manoeuvring within the driveway itself any easier. This is confirmed by the tracking diagrams themselves.
9. The Council's decision notice also makes reference to a lack of 'pedestrian visibility splays'. This is a term used in the SPD. Insofar as the SPD provides an explanation, it states that 2m x 2m either side of an access helps drivers to view pedestrians on the footway before exiting an access. This space both is and would be available. As set out above however, a hazard would nonetheless arise where a vehicle reversed out of the access given the driver's compromised field of view.
10. The access already exists, and no records of past accidents have been set before me. This does not however mean that no past incidents, such as near misses, have ever arisen. Nor does it demonstrate that use of the access is

thus without risk, or that the increased risks associated with an intensification of its use should therefore be considered acceptable.

11. The appellant notes that an access could be constructed as permitted development. Be that as it may, this has no particular relevance to my findings in the current case.
12. For the reasons set out above I conclude that the development would cause significant harm by reason of its unacceptable effect on highways safety. It would therefore conflict with Policy PP27 of the Poole Local Plan 2018 (the Local Plan) which amongst other things seeks to secure development that creates an accessible, safe environment; Policy PP35 of the Local Plan which requires new development to provide safe access to the highway; and supporting guidance in the SPD.

Character and appearance

13. Alton Road is a reasonably long street whose topography and setting is varied, as is the character of the dwellings it contains. There are nonetheless appreciable pockets of consistency. Indeed, 30 Alton Road is one of a group of dwellings of similar albeit unremarkable design set within broad spacious plots. These dwellings are intermingled with mature trees and viewed against an immediate backdrop of woodland. In this regard the gaps between the dwellings, including that between No 30 and 32 Alton Road in particular, contribute to the generally attractive balance between trees, space and development. This is a strongly positive feature of the streetscene, which is at present only significantly disturbed by an atypically dense development on the plot towards the north of No 30.
14. The proposed development would accommodate two 2-storey dwellings on the site. As such, it would result in both an increase in frontage density, and a considerable closing of gaps. Here the narrow gap formed between the 2 proposed dwellings would not compensate for the loss of space to either side. Indeed, it is clear that the existing balance between trees, space and development would be adversely affected. The harm caused would be accentuated in cumulative terms viewed relative to the similarly atypical density of the existing development to the north. It would be further increased by the greater physical and visual prominence of development on the plot.
15. The appellant states that an additional storey could be added to the dwelling as permitted development. This would however be subject of prior approval, and no evidence that such an approval has been granted has been set before me. Moreover, even if an additional storey was added, the resulting building form would bear little direct resemblance the proposed development, and the effects in relation to frontage density would be very different. The existence of permitted development rights does not therefore alter my findings above.
16. I note that some limited scope exists to add landscaping at the frontage. This could clearly occur regardless of whether the development took place or not, and within the context of the development itself, would not provide any meaningful mitigation for the closing up of gaps. It could also further reduce the already limited visibility from the access. Again therefore, scope to add landscaping does not alter my findings above.

17. The appellant states that the proposed 'contemporary' designs would contribute to the evolving character of Alton Road. There are indeed some other dwellings within the street whose design can be described in broadly similar terms. However, these otherwise have little in common either with the proposed development, or with each other, and generally remain in the minority. In this regard the design style advocated attracts no obvious weight in favour of the scheme. Furthermore, it has no bearing on the adverse spatial attributes of the development identified above, which would arise whatever style was employed.
18. For the reasons set out above I conclude that the development would cause significant harm to the character and appearance of the area. It would therefore again conflict with Policy PP27 of the Local Plan, which seeks to secure development that reflects or enhances local patterns of development; and Policy PP28 of the Local Plan, insofar as this seeks to restrict residential proposals involving plot sub-divisions except where this would preserve or enhance the area's residential character.

Other Matters

European sites

19. Planning permission was partly refused on the basis that identified likely significant effects of the development on the integrity of the Dorset Heathlands Special Protection Area (SPA) and Ramsar sites, the Dorset Heaths Special Area of Conservation, and the Poole Harbour SPA, would not be mitigated. In each regard mitigation is normally covered by a combination of CIL payments towards infrastructure projects, and by financial contributions towards Strategic Access Management and Monitoring of sites. The submissions indicate that this matter has been addressed within the context of the appeal, however I have not been presented with any detailed evidence of this. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter in greater detail, and to seek further information. However, as I am dismissing the appeal for other reasons, no further consideration is required.

Housing supply

20. As set out above, the scheme would conflict with the development plan taken as a whole. The Council however acknowledges that it does not have a demonstrable 5-year supply (5YHLS) of deliverable housing sites, and that its 2021 Housing Delivery Test result fell below 75%. This equates with a shortfall in delivery of 499 dwellings. The policies most important for determining the application are therefore out of date, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. The Framework seeks to boost the supply of housing, and in this regard paragraph 188(d) indicates that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. These objectives would be met in this case, helping to address the Council's poor performance. The social, environmental and economic benefits generated by the provision of a single additional dwelling would however be limited in scale,

both in themselves and in relation to the 5YHLS shortfall. Accordingly, these benefits attract limited weight.

22. In this case the benefits could not be realised without causing unacceptable harm in relation to highways safety. Here the risk to public safety would conflict with paragraph 108(b) of the Framework which states that it should be ensured that safe and suitable access to a site can be achieved for all users. Insofar as the development would harm the character and appearance of the area, it would also conflict with paragraph 122(d) of the Framework, which sets out the desirability of maintaining an area's prevailing character and setting. These considerations together attract significant weight, and notably reflect identified conflicts with the Local Plan policies considered above.
23. I am therefore satisfied that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Consequently, the advice to grant permission set out within paragraph 11 does not apply.

Conclusion

24. The development would cause unacceptable harm in relation to highway safety and the character and appearance of the area. As such it conflicts with the development plan. No other considerations, including the Framework, alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR