
Appeal Decision

Site visit made on 10 May 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/V1260/W/21/3266809

118 Stour Road, Christchurch, Dorset BH23 1JP

- 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 Ms Wendy Lovett against the decision of Bournemouth Christchurch Poole Council.
 - The application Ref 8/20/0643/FUL, dated 6 August 2020, was refused by notice dated 26 November 2020.
 - The development proposed is for the erection of a detached office with associated access and parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Ms Wendy Lovett against Bournemouth Christchurch Poole Council. This costs application is set out with a separate decision.

Main Issues

3. The main issues are the effect of the development on (1) the living conditions of those living in the flats at 118 Stour Road, and (2) highway/pedestrian safety.

Reasons

Living Conditions

4. The proposed office would be to the rear of No 118 Stour Road, which has previously been converted to flats. I note that planning application ref: 8/11/0482 conditioned that the bin and cycle store shown on the plans should be maintained at all times to serve the flats. However, the proposed office would be positioned where it would necessitate the removal of the outbuilding which could provide a cycle or bin store.
5. The issue is therefore whether the store is still required for the flats at No 118. This is a sustainable location, with some services and facilities within walking or cycling distance. As such, cycle use is positive. However, from my observations there is space within the curtilage of No 118 for the storage of bikes without the store building. There is also space within the curtilage of No 118 for bins to be stored in appropriate locations.

6. For these reasons the bin and cycle store is a positive feature, but not essential to support the living conditions of occupiers of those living within No 118 in these circumstances. For this reason, the proposal would not be harmful to the living conditions of neighbours to the site and is therefore in accordance with policies HE2 & KS12 of the Christchurch and East Dorset Local Plan Core Strategy (2014). These policies require development to have a minimal disturbance to neighbour amenity and provide adequate cycle parking.

Highway/Pedestrian Safety

7. The proposed office would be accessed off Stour Road, via a private lane between No 116 and No 118. This is a narrow lane, which also provides pedestrian access to one of the flats at No 118. The proposed office would likely increase traffic through this lane between Stour Road and the office parking spaces as proposed.
8. From my observations, more frequent traffic along this narrow lane for pedestrians (for the flats or the proposed office) would be hazardous, with no safe passing, even though I acknowledge it is a short lane in its length.
9. Furthermore, the visibility when exiting the lane onto Stour Lane is not adequate. Stour Lane is clearly a busy road and at the time of my site visit there was many pedestrians crossing the front of the lane along the public footpath. The access is narrow and with no clear visibility splays to account for pedestrians. As such, a significant intensification in use of this lane by vehicles could be hazardous, with there being no substantive evidence to the contrary.
10. There is also the issue of the turning space within the site if the office is constructed which appears tight. There is no tracking information before me, but this could result in vehicles having difficulty turning within the site and reversing down the access lane, exacerbating the issue of safety for pedestrians as there would be poorer visibility from a reversing vehicle.
11. I am aware that an office was previously approved (ref: 8/17/2519/FUL) in this location and that there were no highways concerns at that time. However, from my observations at the site coupled with the evidence before me with this appeal (including the Highway Officer comments dated 17 September 2020) I conclude that this access to the proposed office is hazardous with there being a lack of detailed evidence to persuade me otherwise. It is my understanding that the previous approval has 'time expired', but also the lack of progress with the previous approved scheme suggests it is not a realistic fallback position.
12. For the reasons set out above and taking into account the fact there was a previous approval for the office using the existing access, it is my conclusion that the access would be substandard and potentially hazardous for pedestrians. The fact there was a previous approval for a similar development does not outweigh my concerns regarding pedestrian safety with any intensification of use of this lane by vehicles. The proposal is therefore contrary to policy KS11 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy, which requires that development to provide safe access to the existing transport network and allow safe movement of development related trips on the immediate network, amongst other things.

Conclusion

13. The proposal would have economic benefits, with the provision of an office and employment. There would also be economic benefits through the construction process of the proposed development also, amongst other benefits. However, all the benefits cumulatively would be significantly and demonstrably outweighed by the safety concerns relating to the inadequate access and so the appeal should be dismissed.

Mr Steven Rennie

INSPECTOR