
Appeal Decision

Site visit made on 13 July 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/V1260/W/21/3273738

194 Fairmile Road, Christchurch, Dorset BH23 2LP

- 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 Greg Giles against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/20/0754/FUL, dated 1 September 2020, was refused by notice dated 27 October 2020.
 - The development proposed is described as 'We are looking to surface an area of approx. 12 sq metres to facilitate access to what will be the entrance to a driveway. There is already a dropped kerb in place, and the three properties to the right (when viewed from the front) already have this access.'
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Decision

1. The appeal is allowed and planning permission is granted to surface an area of approximately 12 sqm to facilitate access to what will be the entrance to a driveway at 194 Fairmile Road, Christchurch, Dorset BH23 2LP, in accordance with the terms of the application, Ref 8/20/0754/FUL, dated 1 September 2020, 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 approved plans which show the parking and turning area across the front of the property as being 6.8m deep: ASP.20.043.001 REV B, ASP.20.043.002 REV A and ASP.20.43.300.
 - 3) The access, turning and parking areas shall be completed in accordance with the plans hereby approved prior to their first use. Thereafter, these areas shall be retained and kept free from obstruction and available for the purposes specified.

Preliminary Matters

2. For ease of reference, and to properly define the development hereby permitted, the superfluous wording in the original description of the development has been omitted from the decision paragraph above.
3. Revised plans were submitted at the appeal stage which would provide an increased area of hardstanding to enable vehicle turning manoeuvres within the site and a vehicle to exit forwards. The revised plans do not materially alter the nature of the proposed development and the Council commented on the effect of such provision within its transportation appeal statement. Also, there were no third party comments to the Council at the time of the application or to the

Planning Inspectorate at the appeal stage. I am therefore satisfied that taking into account the amended plans would not prejudice any of the parties in the appeal or their respective case in relation to it.

4. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issue

5. The main issue is the effect of the proposed development on highway safety.

Reasons

6. The appeal property is a bungalow which occupies a corner plot position alongside the junction of Arcadia Road with the B3073 Fairmile Road. The property has an existing vehicular access off Arcadia Road which leads to a detached double garage sited at the end of the rear garden. The proposed scheme seeks a second access from the front of the property onto Fairmile Road which is a County Distributor Road and considerably busier than Arcadia Road.
7. The Council considers the proposed scheme would be unnecessary given the existing access onto Arcadia Road, while the appellant sets out that it would cater for the needs of elderly relatives. However, the reason for the second access is not a determinative consideration. The overriding issue is whether its effect on highway safety would be acceptable.
8. In this regard, the on-site parking arrangements shown in the application plans would have rendered the access unacceptably harmful to highway safety. That is because there would have been a tandem parking arrangement with no provision for on-site turning. As a result, vehicles would either have to reverse onto or off the busy classified road, or use the public footway and grass verge in front of the site.
9. The appeal plans have sought to rectify this by increasing the area of hardstanding in front of the house with two options presented. In the appellant's preferred option, the hardstanding would extend from the side boundary up to a paved footway running down the middle of the garden. At 6.8m deep across the front of the property, the Council emphasise that this would fall below the standards within its Parking Supplementary Planning Document (SPD), which indicates that parking spaces should be 4.8m deep and there should also be a 6m deep turning area.
10. Nevertheless, it is apparent the diagram from which those dimensions are sourced relates to a formally laid out car park with multiple parking bays on either side of the turning area and where the assumption would be that each bay may be occupied. It would therefore be inappropriate to rigidly apply those standards in this case. Moreover, the appellant's vehicle tracking illustration indicates there is sufficient space to turn within the site. In doing so, there would also be scope for part of the vehicle to overhang the paved footway within the site. While a larger vehicle than that shown in the illustration may require more movements to turn, this would not be to the extent that reversing onto or off the busy classified road would likely be the more convenient or attractive choice.

11. The appellant's alternative and less preferred option would result in nearly the whole width of the frontage becoming a parking and turning area, thus requiring the removal of all the front garden apart from a perimeter hedgerow. While this would meet the SPD standards, the Council remain resistant to such a scheme because in its view, it would still create a new vehicular access that would lead to an intensification of vehicle movements onto a busy classified road.
12. However, as noted by the appellant, the proposal would not create an altogether new access onto the highway because it would merge with the existing access which serves 196 Fairmile Road, the neighbouring bungalow. Furthermore, the property already generates some vehicle movements onto Fairmile Road, albeit via Arcadia Road, so any intensification would likely be minimal.
13. In this context and subject to the development being carried out in accordance with the appellant's preferred option revised plans, the proposed development would not have an unacceptably harmful effect on highway safety. As such, it would not conflict with Policy KS11 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy 2014. This policy seeks to ensure development is designed to provide safe access onto the existing transport network. It would similarly not conflict with paragraphs 110 and 112 of the Framework which seek to ensure safe and suitable access and that the scope for conflict between vehicles, pedestrians and cycles is minimised.

Conditions

14. The conditions suggested by the Council have been considered having regard to the tests set out in the Framework and the advice of the Planning Practice Guidance. Where appropriate, the conditions have been amended for clarity and precision.
15. A condition specifying the approved plans is necessary to ensure certainty. As the revised plans showing the appellant's two options for the parking and turning area have the same reference numbers and dates, the condition specifically refers to the plans which show the parking and turning area across the front of the property as being 6.8m deep. A condition requiring the access, turning and parking areas to be completed before they are first used is necessary to ensure highway safety.
16. Given the revised plans were considered in the determination of the appeal, it is unnecessary for details about the access, turning and parking area to be subsequently submitted to and approved in writing by the Council. Those elements of the suggested conditions have therefore been omitted.

Conclusion

17. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. The appeal is therefore allowed.

C J Ford

INSPECTOR