



## Appeal Decision

Site Visit made on 10 August 2021

**by T Gethin BA (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 August 2021.**

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**Appeal Ref: APP/P2114/D/21/3274228**

**15 Alpine Road, Ventnor PO38 1BT**

- 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 Antony Orton against the decision of Isle of Wight Council.
  - The application Ref 21/00145/HOU, dated 23 January 2021, was refused by notice dated 30 April 2021.
  - The development proposed is described as 'I am applying for a dropped kerb for vehicle access which is approximately 10 kerb stones. A small section of my wall which runs along the front of my property would also be removed for the vehicle access. The areas are indicated on my property photo as references 1 and 2.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in July 2021. However, as the policies of the Framework that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

### Main Issue

3. The main issue is whether the proposed development would provide safe and suitable access, with particular regard to highway safety.

### Reasons

4. The appeal site fronts on to Alpine Road, which is an 'A' classified public highway with parking restrictions and a 30 miles per hour speed limit. It is situated relatively close to a bend in Alpine Road and contains an existing area of hardstanding at the front. Despite there being no dropped kerb, that area is currently used for vehicular parking.
5. With visibility of 31 metres to the west and 27 metres to the east, the visibility splays provided by the proposed development would fall significantly short of the stopping sight distance of 43 metres as set out in the Manual for Streets. Although the stopping distances document submitted by the appellant is titled 'typical stopping distances', the distances quoted in it correspond with the stopping distances given in the highway code and the Manual for Streets indicates that it is not appropriate to design streets based on braking in an emergency. The provision of visibility splays only slightly in excess of an emergency braking distance does not therefore indicate that visibility would be acceptable and that safe conditions for highway users would be provided.

6. Although the proposed parking area would be of sufficient size to accommodate perpendicular parking, the submitted evidence indicates that there would be insufficient space for a vehicle to turn on site. The perpendicular parking of vehicles on the proposed parking area would therefore involve the need to reverse onto/off the highway.
7. It has been put to me that the proposed development would allow a vehicle to park parallel to the highway and that this would avoid the need to reverse into/out of the site. Be that as it may, I have little substantive evidence which confirms that such a parking arrangement would be possible without the need to manoeuvre on the highway. I am also unconvinced that such a situation could be secured to the point that it would give sufficient assurance that other scenarios – such as the parking of multiple cars perpendicular to the highway – would not arise were the appeal to be allowed.
8. Even if it was possible and only one vehicle were to be parallel parked without turning on the highway, it seems to me that the vehicle would be unlikely to always be positioned in the centre of the site. In such circumstances, visibility when exiting the site would be further reduced in one direction.
9. It has been put to me that an application was granted by the Council in 2016 for the removal of part of the front wall with a view to create a vehicular access at the site. However, the submitted evidence indicates that the Council issued the 'Certificate of Existing Lawful Use or Development' on the basis that the works had been carried out more than four years prior to the date of the application. The removal of the wall to provide the vehicular access and hardstanding was therefore immune from enforcement action under the Town and Country Planning Act 1990 (as amended) (the Act).
10. Consequently, the Certificate was issued because the completed works were deemed to be lawful as defined by section 191 of the Act rather than because the Council considered the works acceptable in relation to highway safety and relevant development plan policies. Furthermore, the area currently used for parking does not have a formalised vehicle access/dropped kerb and the Highway Authority's response to the planning application the subject of the appeal sets out that they regard the existing point of access from Alpine Road and the parking of vehicles on the site frontage to be unauthorised.
11. Accordingly, while the existing area of hardstanding on the site may be immune from enforcement action under the Act, it seems to me that the parking of vehicles on the site has not been found to be acceptable by the Council in relation to highway safety. The Highway Authority also consider that the accessing of vehicles from Alpine Road to the site is not authorised in relation to highways matters.
12. I recognise that the proposed development would improve visibility compared to the existing visibility available from the hardstanding area on the site. However, for the above reasons, this attracts limited weight and does not indicate that the appeal proposal is acceptable in relation to highway safety. The presence of other substandard parking situations in the locality also neither leads me to a different conclusion nor indicates that the highway safety issues arising from the appeal proposal would be acceptable.
13. For the above reasons, I conclude that the proposed development would not provide safe and suitable access, with particular regard to highway safety. I

therefore find that it conflicts with Policy DM2 of the Island Plan Core Strategy which requires development proposals to, amongst other aspects, provide a safe built environment.

### **Other matters**

14. The Council considers that the proposed development would not result in a detrimental impact on the Ventnor Conservation Area. Having considered the development and visited the site, I concur and find that the development would preserve the character and appearance of the designated heritage asset.
15. The proposed development would involve the lowering of the existing sloping hardstanding and the area would also be increased in both depth and width. This would improve accessibility and drainage and result in a relatively large parking area. Be that as it may, I have found that the appeal proposal would unacceptably risk the safety of highway users, and these matters neither outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

### **Conclusion**

16. For the above reasons, the appeal is dismissed.

*T Gethin*

INSPECTOR