



Appeal Decision

Site visit made on 24 January 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/V1260/D/21/3286796

192 Stony Lane, Christchurch BH23 7LD

- 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 Clifford Peters against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/21/0547/HOU, dated 20 May 2021, was refused by notice dated 4 October 2021.
 - The development proposed is double dropped kerb and new drive.
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Decision

1. The appeal is allowed and planning permission is granted for double dropped kerb and new drive at 192 Stony Lane, Christchurch BH23 7LD in accordance with the terms of the application, Ref 8/21/0547/HOU, dated 20 May 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Other than to comply with Condition 3 below, the development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block/Site Plan; A 01 Revision 2.
 - 3) The access points and parking area hereby permitted shall not be brought into use until they have been completed in accordance with further details that shall first have been submitted to, and approved in writing by, the local planning authority. These further details shall include the layout and surface materials of the accesses, parking, and manoeuvring areas, and the provision of pedestrian visibility splays. These facilities shall thereafter be permanently retained in accordance with the approved details.

Main Issue

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

Reasons

3. The appeal property is a bungalow that fronts a section of the B3347 called Stony Lane. It has a pedestrian gate leading to its front door off this road, but its garage and car parking area are at the rear. Vehicular access is achieved via Birch Avenue, a small cul de sac off Campbell Road, which has a junction with Stony Lane approximately 40 metres to the north of the appeal site. The bungalow immediately to the north, and the three to the south, have similar arrangements, with pedestrian accesses to the front, and car parking at the

- rear. However, the dwellings fronting Stony Lane to the north of Campbell Road, and to the south of No 186, have direct vehicular access to the B3347.
4. It is proposed to create a vehicular access from Stony Lane to allow for an extensive car parking area encompassing most of the front garden. Two separate access points would be provided, which would allow vehicles to enter and leave the site in a forward gear.
 5. Stony Lane is classified as a District Distributor Road (DDR). Saved Policy T1 of the Borough of Christchurch Local Plan (2001) (the Local Plan) says that access to DDRs will be limited. However, whilst the policy states that there will be no frontage access on newly constructed DDRs, it does not place a blanket prohibition on proposals for new accesses to existing roads in this classification. Paragraph 7.22 explains that the policy is necessary to reduce the number of potential conflict points, and to improve road safety and the free flow of traffic.
 6. I saw that Stony Lane is a fairly busy road, linking Christchurch with the smaller settlements to the north and northwest. However, while it carries a considerable level of traffic, I observed that the flow of vehicles was not continuous, and there were regular gaps. During my visit, I observed several vehicles utilising these breaks in the flow to turn into and out of Campbell Road. One right-turning vehicle resulted in two cars momentarily waiting behind it while it completed the manoeuvre. I also saw two vehicles emerging from individual accesses to the north of Campbell Road, with no impact on the free flow of traffic.
 7. I appreciate that my visit was during the middle of the day, rather than during the morning or afternoon peak, when traffic volumes are likely to be higher. However, there is no evidence before me to indicate that this is a road that suffers from regular traffic congestion, or where its use is so close to capacity that any interruption to the flow of traffic would result in queues. There are already a significant number of individual accesses to the north and south of the site, so the additional movements onto and off Stony Lane, associated with a single dwelling, would not be significant. Such manoeuvres would, in any event, displace similar manoeuvres onto and off the DDR to access the parking area to the rear, via Campbell Road. The development would not, therefore, be likely to have any noticeable impact on the free flow of traffic on Stony Lane.
 8. Stony Lane is straight, and there is a footpath outside the appeal site. Consequently, a driver emerging from the proposed access would have unrestricted visibility to the left and right for a considerable distance. Similarly, drivers and cyclists using Stony Lane, in either direction, would have long range visibility of a vehicle emerging from the access. The road is subject to a 40-mph speed limit, and its alignment and width allows vehicles to travel at or near that speed. However, no evidence has been provided to demonstrate that the visibility available to emerging and passing drivers would fall short of recommended standards for these speeds. Consequently, I see no reason why the proposal would lead to dangerous conflict with bicycles or vehicles using the DDR.
 9. The proposal would result in vehicles crossing the footpath to access the parking area, resulting in potential conflict with pedestrians. However, the number of vehicle movements associated with a single dwelling would be limited. Furthermore, I did not see any pedestrians using the footpath during the hour I spent observing the site. I realise that this was during the middle of

the day, but there is no evidence to indicate that the footpath carries significant levels of pedestrian traffic at other times. Consequently, the likelihood of conflict between vehicles and pedestrians on the footpath is low. Moreover, pedestrians walking this route, in either direction, will have already encountered numerous vehicle crossing points before passing the appeal site. The additional access, for a single dwelling, would not, therefore, result in a material increase in the potential danger to pedestrians along this route.

10. In view of the above considerations, I conclude that the proposed access would not result in harm to the free flow of traffic on the DDR, or dangerous conflict between vehicles using the access and other road users. In coming to this view, I am mindful of the Council's concern that parking on the forecourt could reduce the available manoeuvring space, resulting in vehicles reversing onto the road. However, this is not a likely prospect, as the proposed layout shows that three cars could comfortably be parked on the site, with sufficient space remaining for the entry/exit system to successfully allow all drivers to enter and leave in a forward gear. However, I have imposed a condition requiring details of the parking and manoeuvring areas to be submitted for approval, to ensure that the optimum layout is secured and retained, including suitable pedestrian visibility splays to ensure that there would be no harm to the safety of users on the footpath.
11. Whilst Policy T1 of the Local Plan seeks to limit access to DDRs, in the particular circumstances of this case, there would be no harm to the free flow of traffic, or a material increase in highway conflicts. I appreciate that the Policy seeks to avoid the cumulative impact of a multitude of similar accesses, and that approval of one individual proposal can make it more difficult to resist others. However, in this case, the overwhelming majority of dwellings along this stretch of road already have direct vehicular access to Stony Lane; the appeal site is one of a very small number that do not. The cumulative effect of the limited number of other proposals that may follow is, therefore, also unlikely to result in the harmful impacts that Policy T1 seeks to avoid.
12. The Council's reason for refusal states that the provision of a second dropped kerb would be contrary to the Council's dropped kerb guidance. That guidance does, however, say that a second dropped kerb may be considered where it would be safer and/or it would not significantly affect on-street parking. I saw that there were no vehicles parked along the entire length of Stony Lane at the time of my visit, so the loss of a small stretch of potential parking would not be significant. In any event, the process for applying for a dropped kerb is separate to the planning process. The availability of alternative parking to the rear is not a reasonable justification for withholding planning permission for a proposal that will cause no harm to highway safety or traffic flow.
13. The Council's reason for refusal also states that the proposal would be contrary to its Parking Standards Supplementary Planning Document (2021). However, my attention has not been drawn to any particular part of the document, and I note that its overall aim is to set out parking standards in new residential and non-residential development. Consequently, it does not appear to be relevant to the appeal proposal.
14. In conclusion, although the proposal would involve the provision of an access to a DDR, it would not be harmful to the free flow of traffic or to highway safety. It would, therefore, accord with the rationale underpinning Policy T1 of

the Local Plan. It would also comply with Policy KS11 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014), which says development must be designed to provide safe access onto the existing transport network. The development would also accord with the aims of the National Planning Policy Framework to create places that are safe, secure, and attractive – which minimise scope for conflicts between road users, and ensure safe and suitable access to development.

Conditions

15. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has suggested two further conditions, to secure a suitable layout and ensure pedestrian visibility. I agree that such conditions are necessary, but I have combined and altered them, in the interests of clarity and precision.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR