
Appeal Decision

Site visit made on 19 January 2022

by J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 09 FEBRUARY 2022

Appeal Ref: APP/C1760/D/21/3288092

40 Armstrong Rise, Charlton, ANDOVER, SP10 4EB

- 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 Mrs Rachael Ardron against the decision of Test Valley Borough Council.
 - The application Ref 21/02092/FULLN, dated 12 July 2021, was refused by notice dated 6 October 2021.
 - The development proposed is a dropped kerb, tarmac access and hardstanding to facilitate disabled access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the parking area had been partially formed and an electric charging point put in place. However, the parking area remains unpaved. Whilst the development has commenced it has not been completed and I have dealt with the proposal on that basis.

Main Issues

3. The main issues are the effect of the development on: (i) the character and appearance of the area and (ii) on highway and pedestrian safety.

Reasons

Character and Appearance

4. The area is characterised by short residential terraces, many set back from the roadside edge and with generous verges and areas of public open space (POS). On the opposite side of the road there is a shared car parking area which appears to service houses in the vicinity. Notwithstanding this area of hard surfaced car park, the roadside verges and POS produce a spacious and open character to the area.
5. The loss of a small part of the POS and the introduction of an additional hard surfaced area would erode that open feel and would have a small but significant impact on the spacious green character of the site and the surrounding properties. It would lead to harm to that character which would be to the detriment of the appearance of the appeal property and the area in general. If repeated on adjoining sites, that harm would be magnified.

6. For these reasons the proposal would conflict with Policies E1 and E2 of the Test Valley Revised Local Plan 2911-2029 (2016) (the Local Plan) which seeks, amongst other things, to ensure that development integrates, respects, and complements the character of the area and creates positive relationships between public and private spaces.

Highway Safety

7. The point of access would result in vehicle movements in close proximity to a bend in the road where the land levels fall away to the north-west. It would also be immediately opposite the access to the shared car park which I have already mentioned. Visibility to the north-west would be over the adjacent private property and to the south-east over POS. The introduction of an access at this point especially where vehicles would not be able to enter or leave in forward gear would introduce a degree of risk to highway safety.
8. There are two plans indicating different red lines. The first showing ownership across the public open space to the highway and the second stopping short of the footpath which serves a number of local properties. Whichever of these plans is used as definitive, third-party land would be needed to secure the access and sufficient visibility and I cannot be certain that a safe means of access can be achieved or secured. Neither does it mitigate against the configuration of the road which curves away from the frontage meaning the required visibility would be unlikely to be achievable without securing other land or involving greater works which are not part of this proposal.
9. Use of the access would therefore represent a significant risk to both pedestrian and highway safety especially since the access would cross a public footway. More so given that it would be necessary to either reverse in, or out of the parking space.
10. The proposal would therefore conflict with Policy T1 of the Local Plan which seeks to ensure that development does not have any adverse impact on highway safety or the function, safety or accessibility of the local highway network.

Other Matters

11. Concern has been expressed regarding the proximity of a tree to the proposed access. The tree is outside the appeal site however it is located such that any groundworks required by the development in close proximity to it could be effectively handled by a planning condition so as to protect it from harm.
12. The appellant has outlined the reasons why parking immediately adjacent to the property is necessary to provide disabled access and to enable an electric vehicle to be charged. I have considered the personal circumstances including the findings of the occupational health report which are a material consideration and to which I attach significant weight. Yet, on the basis of the evidence before me, I am not satisfied that the proposed arrangements would secure a safe means of access without introducing conflict between highway users and/or pedestrians. The formation of the access would represent a highway risk to the appellant, to other road users and to pedestrians. This outweighs the benefit of providing an access closer than the existing provision serving the property.

13. The appellant has indicated that there are no charging facilities in the existing car park highlighting an inability to charge an electric mobility car. Electric charging points are increasingly provided in shared car parks and whilst the convenience of the appellant would be better served by a facility within her property this benefit does not outweigh the harms I have identified.
14. Issues have been raised as to the fact that the proposed driveway crosses land outside the appeal site. Notice was served on a third party as part of the appeal process though I am unclear as to whether this refers to all of the land needed to implement the development. The ownership of the intervening land between the appeal site and the road appears to be formed of pedestrian footway and an area of open space. Whether the appellant has the appropriate authority/permissions to use this land is a legal matter and not within the remit of this appeal, though this issue may have prevented the implementation of the consent had the development been acceptable in all other respects.

Conclusion

15. For the reasons outlined and having taken all other matters into account the appeal is dismissed.

J Wilson

INSPECTOR