



Appeal Decision

Site visit made on 18 March 2022

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2022

Appeal Ref: APP/Y3940/D/21/3287348

95 Moot Lane, Downton, Salisbury, SP5 3LE

- 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 Lewis Hayes against the decision of Wiltshire Council.
 - The application Ref PL/2021/08631, dated 7 September 2021, was refused by notice dated 18 November 2021.
 - The development proposed is dropped kerb with gravel driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

3. The appeal site is located on Moot Lane and accommodates a detached two-storey property. The surrounding area is largely residential with a mix of dwelling types and architectural styles. The proposal seeks to introduce a dropped kerb to allow the front garden to be used as off-street parking.
4. I observed that the front garden area already consists of gravel. The main change that would therefore result from the scheme would be the removal of the small wooden fence and the presence of a parked vehicle(s) at the front of the host dwelling. I observed on my site visit that there are numerous examples of front gardens being used as parking areas in close proximity to the appeal site and the scheme would therefore not appear out of keeping.
5. The Council's reason for refusal refers to the removal of a boundary wall and hedge. Whilst the neighbouring property (to the northeast) does contain such features, the appeal site does not. Further, the officer report contains a photo that is also centred on the neighbouring property.

6. Given all of the above, the proposal would not cause any harm to the character and appearance of the area. The scheme therefore complies with Policy CP57 of the Wiltshire Core Strategy, 2015 (the CS).

Highway safety

7. The appeal site sits close to a bend in the road. The visibility plan provided by the appellant shows that the necessary visibility splay to the northeast of the appeal site utilises land from the front garden of the neighbouring property, which is not in the appellant's control. Indeed, on my site visit, I observed that visibility was obscured by the front boundary hedge in the neighbour's garden.
8. Although, I would not describe Moot Lane as a main road, it does see regular traffic movements and the lack of visibility could result in conflicts between vehicles exiting the appeal site and vehicles travelling in a southerly direction along Moot Lane. I do not consider the scheme would provide safe access onto the highway and would result in unacceptable harm to highway safety.
9. The appellant has noted that he is forced to park cars on the highway and on the bend in the road. It is asserted that this affects visibility for other road users. However, I observed that despite the bend, vehicles travelling along Moot Lane in a southerly direction would have a reasonable level of visibility of any parked cars and would have time to take appropriate action. This is different to the proposed scheme where vehicles exiting the appeal site could be obscured by vegetation on land not within the appellant's control, as is currently the case.
10. The appellant is of the view that the parked cars on the highway also make it difficult for refuse to be collected. However, on street parking is common in the area and is something refuse collection vehicles are used to encountering.
11. The scheme therefore conflicts with Policy CP61 of the CS that requires development to achieve a suitable connection to the highway that is safe for all road users.

Other Matters

12. The appellant has set out that he has a demonstrable need for off-street parking, due to the number of vehicles owned. Whilst this is noted, I do not consider that this outweighs the identified harm to highway safety. Further, given that a vehicle could be parked on the road in clear view from the host property and only a few metres from where it would be parked on the driveway as proposed, I am not convinced that the scheme would bring any significant security benefits.
13. Reference to the potential for the scheme to allow an electric charging point is noted. However, there is limited evidence before me to suggest that this could not be achieved in some other way. In any event, there is no way of securing such a benefit as part of the scheme.

14. The appellant has noted that there are other properties with off-street parking where visibility on to the highway is poor. However, I do not have any further details and nonetheless, I am mindful that even if there are other similar examples, this does not justify further harmful development.
15. Overall, the material considerations set out above, do not collectively outweigh the identified harm to highway safety.
16. On a related matter, the appellant has set out that he would like to agree to undertake speed surveys to establish the exact visibility splays that are required. Whilst this is noted, I must determine the appeal on the evidence that is before me. The appellant would need to take the matter up with the highway authority.

Conclusion

17. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR