
Appeal Decision

Site visit made on 13 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/D1265/W/22/3290520

Sunnyside Cottage, Highgate Lane, West Knighton, Dorset DT2 8PE

- 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 K Watts & Mr D McKenzie Watts against the decision of Dorset Council.
 - The application Ref P/FUL/2021/03354, dated 6 September 2021, was refused by notice dated 6 December 2021.
 - The development proposed is erection of 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety, in particular the adequacy of the proposed visibility splays.

Reasons

4. Highgate Lane, as it passes through West Knighton by the appeal site, is a predominately straight road, characterised by having no footways on either side, with no road markings. It is of restricted width and, in a number of instances, has properties that front directly onto it.
5. Access to the proposed dwelling would be via the existing access to Sunnyside Cottage. The access is identified by a low level, curved brick wall to either side. It is accepted by the parties that visibility is currently restricted. To the north, it is restricted by the position of Sunnyside Cottage, hard up against the highway. To the south, it is restricted by the presence of a close-boarded fence, along with a telegraph pole, although this has limited impact.
6. I have not been provided with any traffic information to demonstrate the current level and speed of traffic travelling through West Knighton. The appellant submits that there is a good safety record and confirms that there are no recorded accidents in the vicinity of the appeal site. The Local Highway Authority does not disagree with this. In any event, the presence of other driveways, parked cars and the lack of footpaths, reinforces the tight nature of the street. This, coupled with the presence of dwellings close to the

carriageway highway edge, serves to reduce the speed of traffic as it passes through this part of the village.

7. There is disagreement between the parties with regards to the required visibility splays, although I note in this respect, there is an agreement that a 2m 'x' dimension is acceptable, given the lightly trafficked and slow-speed nature of Highgate Lane. Regardless of the required visibility splays, it is clear that the visibility is severely constrained, particularly in a southerly direction. Notwithstanding the nature of the road, and my conclusions in relation to traffic speeds, for this reason I therefore do not consider this to represent a safe form of access.
8. Planning permission has been granted for the provision of an ancillary outbuilding, which the applicant considers would not result in any additional traffic, when compared with the proposed development. I do not agree with this position. The nature of the ancillary use is that it is related to and associated with the use of the main dwelling on the site. The provision of a new dwelling would create a separate planning unit, with associated comings and goings, which would be likely to be greater than that associated with an ancillary building. As a result, I consider that the proposed development would result in an intensification of the use of the access, albeit given the size of the dwelling, the level of additional movements is likely to be small.
9. This intensification, combined with the severely restricted visibility, especially in a southerly direction, would result in a form of development that would have an unacceptable impact upon highway safety.
10. The appellant has suggested a condition could be imposed requiring the removal of the existing close boarded fence along the southern boundary, to provide improved visibility in a southerly direction. However, the precise detail for this, along with the wording for such a condition is not before me. Furthermore, I note that the resultant visibility splay would encroach across third party land. I have therefore given this little weight.
11. On the basis of the above and taking a precautionary approach, due to the provision of sub-standard visibility splays, I consider that the proposed development would have an unacceptable impact on highway safety and, in this respect, would be contrary to Policy COM7 of the West Dorset, Weymouth and Portland Local Plan (adopted 2015) and Paragraph 111 of the National Planning Policy Framework.

Other Matters

12. My attention has been drawn to a number of other accesses within the village which the appellant considers to also have poor visibility. From my visit, this appears to be the case, however I am not familiar with the circumstances around these cases. Nonetheless, their presence does not justify allowing this appeal.
13. The appellant has identified that the proposed development could provide benefits to the neighbour in terms of improved visibility. However no details are provided as to how this would be achieved, therefore I have attributed little weight to this.
14. The appellant has referred me to the previous guidance that was in place when the existing access was approved, which in their view was more onerous than

the current requirements. Whilst this may be the case, each proposal needs to be considered on its merits against current policy and guidance. Therefore, regardless of the original permission for the access, this does not alter my overall conclusion on the main issue.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR