



Appeal Decision

Site visit made on 13 June 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/R0335/D/22/3294671

50 Rest Harrow, Frog Lane, Bracknell RG12 7AD

- 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 Paul Watson against the decision of Bracknell Forest Council.
 - The application Ref 21/00560/FUL, dated 31 May 2021, was refused by notice dated 21 December 2021.
 - The development proposed is Proposed vehicular access and installation of dropped kerb onto Wildridings Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the Council's decision notice and the appeal form. However, in Part E of the appeal form it is stated that the description of development has not changed from that stated on the planning form. Notwithstanding this, I have used the description as used on the Council's decision notice as this more accurately describes the proposal as shown on the plans and I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the appeal proposal on:
 - i) Highway safety, with particular regard to safety to pedestrians and cyclists public transport users and drivers and;
 - ii) The effect of the development on the character and appearance of the area, with particular reference to the impacts to a protected tree.

Reasons

Highway safety

4. The proposed development would introduce a vehicular access and dropped kerb on to Wildridings Road, serving the appeal site at 50 Frog Lane. This would include the removal of the existing fence and provision of a transition kerb and dropped kerb onto Wildridings Road.
5. Currently the appeal site is accessed from the north, through a private access lane which serves other dwellings off Frog Lane. I was able to see at my site

- visit that there was space for parking and turning for a number of cars, both to the main house and the annex building.
6. Wildridings Road is an arterial road which rises uphill gently travelling north to south, serving residential streets which feed off the road. On the same side as the appeal site there is a pavement running alongside the road. In addition to this, the footpath also splits, providing pedestrian and cyclist access either continuing along Wildridings Road, or travelling towards an underpass, providing access to both sides of the road. At the time of my site visit, I was able to see that the majority of the road is subject to restricted parking via double yellow lines. Directly adjacent to the appeal site is a pole and road markings setting out a bus stop.
 7. The proposed access would result in crossing the existing pavement, and would directly interrupt the bus stop and marker pole. The site and existing driveway at no. 50 is set at a lower level to the pavement, and it was apparent that any vehicle exiting the property would be doing so travelling up a slight incline. Taking into account the requirement to cross a pavement combined with the changes in ground levels, I consider that there could be a potential conflict with users of the pavement, particularly if the driver's visibility would be limited thus creating a hazard to both pedestrians and other road users.
 8. I have not been provided with any details of proposed visibility splays which indicate that sufficient sightlines could be achieved when leaving the site in a forward gear. The appellant has provided photographs to show the visibility along the road as seen from the pavement edge, however there is no evidence to suggest that there would be space sufficient to provide adequate visibility to drivers at the point of crossing the pavement from the appeal property, as well as the point of entering Wildridings Road.
 9. I note the CrashMap data provided to demonstrate the limited number of incidents along the road and near to the appeal site. Additionally, the appellant has confirmed that the tall boundary treatment at the appeal site would be reduced in height to provide visibility of pedestrians and cycle users. Nonetheless, as I have not been provided with any evidence to suggest that the splays as required could be achieved, and therefore I am not persuaded that the necessary visibility splays could be secured and maintained in perpetuity in both directions.
 10. I also note the information provided showing other crossovers on to Wildridings Road. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar crossovers may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
 11. The Council also raise concern with regard to the relocation of the bus stop. It is confirmed by the Council's Highways Officer that the bus stop could not be safely relocated, nor would that on the other side of the road. The Council confirms that there are a number of junctions to the north-east and a significant junction with the A3095 and to the south there is a bridge and further junctions. In addition to this, if the bus stop were to remain in situ, there are concerns about the impact to those waiting for the bus as well as provision of a safe and suitable access. Indeed, whilst I was visiting there were two members of the public waiting for the bus to arrive.

12. Although the appellant has confirmed that it would be feasible that the actual conflict between the use of the proposed access and a waiting bus is considered to be relatively low, I cannot be certain that this would not arise and thus present hazards for both the driver wishing to use the access and users of the bus. Whilst the appellant has confirmed that he would be willing to cover the cost of moving the bus stop, there is no information included in the appeal documents which suggest to me that this is a realistic and feasible option.
13. For the above reasons, on the basis of the evidence before me and taking into account the benefits of the proposal, I conclude on this issue that the proposal would result in hazardous conflicts between users and thus dangerous manoeuvres which would have a harmful effect on highway safety. As such, it would conflict with policy CS23 of the Development Plan Document¹ which confirms that the Council will use its planning and transport powers to (amongst other things) increase the safety of travel and; M6 of the Local Plan² which includes a requirement for development to ensure safe cycle and pedestrian routes.

Protected tree

14. A mature oak tree lies immediately adjacent to the site boundary. This and nearby trees are protected by a group Tree Preservation Order (TPO).
15. The development itself would not require the loss or work to the oak tree. The Council has confirmed that given the existing land uses surrounding the tree, it is located within an extremely confined soft landscape area. I was able to see that it is located close to the brick wall the boundary of the appeal site, as well as being located close to the pavement and road. Taking into account the proximity of the brick wall and the changes in levels which surround the tree, I concur that the tree is likely to be at risk as a result of further works nearby, including the appeal proposals.
16. The appellant has provided information to show that any works could be provided via a 'no-dig' solution and provision of lower impact surfacing for the driveway. Nonetheless, I am not provided with any evidence to confirm the condition of the tree as well as the root protection zones would be sufficiently safeguarded. Therefore, there is insufficient evidence for me to reach a conclusion on the effect of the proposal on the impacts to the protected tree.

Conclusions

17. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR

¹ Core Strategy Development Plan Document, Bracknell Forest Borough Local Development Framework (February 2008)

² Bracknell Forest Borough Local Plan (January 2002)