



Appeal Decision

Site visit made on 15 August 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022.

Appeal Ref: APP/V1260/D/22/3299324
72 Haven Road, Poole BH13 7LY

- 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 Julian Guest against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/21/01815/F, dated 15 December 2021, was refused by notice dated 4 May 2022.
 - The development proposed is Replacement of the old masonry front boundary wall with new wall, including facing brick, piers and infill metal railing and gates.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I saw that the development of the new wall, piers, railings and gates had commenced and appeared to be substantially completed, although the stone capping to the piers indicated on the submitted plans were absent. I also note that the application has been submitted retrospectively and this is acknowledged by both parties. I have dealt with the appeal on that basis.

Main Issues

3. The main issue is the effect of the appeal proposal on highway safety, with particular regard to use of the appeal property's junction with the B3065 (Haven Road).

Reasons

4. The development has introduced a brick wall and piers, with railings, a pedestrian gate and double vehicular gateway. The gateway is set back from the road, with a curved wall providing the boundary which meets the edge of the pavement. From the documents before me, I am able to see that the wall which was previously in situ was significantly lower, with no railings or piers along the length of the boundary.
5. Haven Road is an arterial road serving the local area and consists of primarily residential properties in the immediate vicinity. The appeal site occupies a wide elevation along the road, located adjacent to neighbouring properties of

- similar sizes and plot widths. The adjoining boundary treatments consist of a low wall with hedge to the north, and a taller painted wall to the south.
6. The appeal site is located on the western side of the road where it begins to bend travelling northbound, with a smaller road (Flaghead Road) creating a junction on this bend off to the north-east. There is also a small gated lane close to this junction, running off the bend towards the south-east (Flaghead Chine Road). The appeal site is located in a position where the road is gently falling downhill, before rising again gently from the bend.
 7. There is disagreement between the main parties as to whether the height of the wall at the access between the appeal site and Haven Road can adequately provide suitable visibility. In addition, the parties do not agree on the stopping sight distances that should be used to calculate the visibility splay at the junction, and therefore, whether appropriate visibility can be achieved. As a result there is dispute whether the development would meet with the advice in local and national planning policy.
 8. Visibility on to the north-east of the site is poor largely due to its orientation with the highway, the bend in the road and the height of the wall as it meets the pavement. 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, or to demonstrate that a reduced visibility splay can be achieved and is acceptable.
 9. The appellant has provided evidence of research into traffic speeds and the correspondence with the Council's Highways Officer, 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, and the point of entering Haven Road.
 10. 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 stopping distances of modern cars are improving. 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.
 11. Policy PP35 of the Local Plan¹ confirms that new development will be required to provide safe access to the highway. The Council's SPD² states that visibility at site accesses must ensure that there is adequate inter-visibility between vehicles, taking into account traffic speeds, volumes and road configurations. In addition, it states that visibility splay should be kept clear of obstruction above 0.6m in height as measured from the adjoining highway level. The wall as constructed directly conflicts with this height restriction and contributes to the inadequate visibility to vehicles exiting the site. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
 12. 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

¹ Poole Local Plan (November 2018)

² Parking Standards Supplementary Planning Document, BCP Council (January 2021)

manoeuvres which would have a harmful effect on highway safety. As such, it would conflict with Policy PP35 of the Local Plan and the guidance on visibility at accesses within the Council's SPD.

Other Matters

13. Whilst there has been correspondence between the appellant and the Council regarding speeds, stopping distances and the classification of the road, there does not appear to be any agreement on the findings or methodologies. Whilst I accept that the road may not be a 'primary' route or trunk road, I was able to see at my site visit that there was a relatively steady flow of traffic in both directions along Haven Road. The appellant has confirmed that the links between Canford Cliffs with the Sandbanks peninsula result in increased traffic during peak tourist months and I accept that this could result in reduced traffic speeds. I also accept that the proposal serves an existing dwelling, and that there would be no additional impact to the highway network as a result of increased traffic. Notwithstanding these points, this does not overcome the harm I have identified above.

Conclusions

14. 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