
Appeal Decision

Site visit made on 12 December 2022

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/Y3940/W/22/3303736

126 Oaklands, Chippenham, Wiltshire SN15 1RJ

- 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 Kevan Culley against the decision of Wiltshire Council.
 - The application Ref PL/2022/00300, dated 10 January 2022, was refused by notice dated 1 March 2022.
 - The development proposed is form dropped kerb to the roadway to provide vehicular access to hardstanding.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Character and appearance

3. The proposal site comprises an end-terrace property within an established housing estate. The area is characterised by a building layout that includes spacious frontages and attractive areas of generous green open spaces, adding to a strong sense of place and distinctiveness. Beyond the proposal site, on-street parking is available at a lower level to the terrace, which adds to a sense of separation between the street and open space. Other properties in the wider area include frontage off-street parking, with crossovers that punctuate small grass verges.
4. The proposed development would be located closer to properties that have crossovers than others on this terrace. However, grass verges found near those properties to the west are narrow and materially different to the more expansive green open space the appeal site falls within. Despite being of a limited scale, the proposed introduction of a steep vehicular access would result in a competing and incongruous addition that would erode the undisturbed functionality and contribution this green open space makes to local distinctiveness. As such, the proposal would not function well and would fail to respond positively to this locally distinctive landscape feature.
5. Therefore, I conclude on this main issue that the proposal would cause harm to the character and appearance of the area. For the above reasons, the proposed development would be in conflict with Policy 57 of the Wiltshire Core Strategy

(2015) (WCS) which amongst other things expects developments to create a strong sense of place, being complimentary to the locality. It would also be in conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which in this respect says that decisions should ensure that developments will function well and add to the overall quality of the area and maintain a strong sense of place.

Highway safety

6. The part of the highway fronting the appeal site is narrow and at the time of my early afternoon visit, there were parked vehicles and a number of free parking spaces along this stretch of road. I observed several vehicles passing freely through this part of the highway without any obvious hazardous obstruction caused by parked vehicles. Although my observations only represent a snapshot in time, recognising that larger emergency service or refuse vehicles may require use of this part of the highway, I do not find it likely that the proposal would have a significant effect on vehicular movements. Furthermore, I have not been provided with substantive evidence to demonstrate this is not a safe location to park one's vehicle.
7. Traffic speeds in the area are low and daily movements that would arise from the proposal would be limited. No evidence of accidents at this location has been submitted, and a study of traffic flow and road safety in Manual for Streets is acknowledged. However, despite the presence of other off-street parking in the wider area, and the fact that vehicles would be able to enter and exit the site in a forward gear, my observation on the ground was that the footpath and green space that crosses the proposed driveway is within a distinctly separate area from the highway. Consequently, pedestrians would not be expecting to have to avoid any potential vehicles entering or exiting the site. Furthermore, the neighbouring property's hedge provides a substantial screen up to the point of the proposed access, which would restrict visibility of those drivers exiting the site and pedestrians passing by. For these reasons, there would be an unacceptable risk of conflict between vehicles entering/exiting the site and pedestrians.
8. I therefore conclude on this main issue that the proposal would have a harmful effect on highway safety. As such, the proposed development would conflict with Policy 61 of the WCS. It would also be in conflict with chapter 9 of the Framework which in this respect requires development to provide a safe and suitable access for all users.

Other Matters

9. The possible future installation of an electric vehicle charging point would deliver public benefits through improving air quality and cutting emissions. Additionally, there would be private benefits associated with more convenient additional off-street parking. However, any such benefits would be limited and would not outweigh the harm I have identified above.

Conclusion

10. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills
INSPECTOR