



Appeal Decision

Site visit made on 28 December 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/P1425/D/22/3310508

5 Holmstreu Villas, Fort Road, Newhaven, BN9 9EL

- 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 C F Roncolato against the decision of Lewes District Council.
 - The application Ref LW/22/0390, dated 30 May 2022, was refused by notice dated 15 August 2022.
 - The development proposed is described as vehicle cross over for access to hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant has suggested that the width of the crossover could be reduced from three metres to 2.75 metres in width. However, I am unable to take this into consideration in relation to the appeal scheme. This is because the reduced width would result in a material change to the scheme and it has not been subject to formal consideration by the council, or their consultees.

Main Issue

3. The first main issue is the effect of the proposal on highway safety. The second main issue is the effect of the proposal on the character and appearance of the host property, the appeal site and the wider area.

Reasons

4. The Appeal site is situated within a mixed commercial and residential area that is characterised by both traditional Victorian and modern houses, flats and commercial buildings. Between and beyond these buildings are glimpses into the open countryside and towards the port area. The appeal dwelling is located within a row of attached two storey modern dwellings, with staggered front building lines. The dwellings are set back from the street scene behind enclosed front gardens, which are primarily laid to lawn. There is however a wide vehicular crossover to the front of 2 Holmstreu Villas (No.2), which was granted planning permission in 2021.
5. To the south of this row of dwellings is a wide crossover which serves a garage and parking court and beyond that is a crossover serving a car park to the rear of a retail unit. Diagonally opposite the appeal site is a modern three storey flats development that sits behind an elevated pedestrian access enclosed by

glass and steel balustrades. Further to the north is a combination of attached and terraced dwellings, a number of which have vehicle crossovers.

6. Fort Road is a local distributor road and along much of the road on-street parking is unrestricted. In the vicinity of the appeal site there is a pedestrian crossing point with fully dropped kerbs and tactile paving on both sides of the road. There is also a single white line within the highway which delineates the extent of the pedestrian crossing point and prevents on-street parking. On-street parking is also restricted between this crossing point and the road junction a short distance to the south.
7. Together and amongst other things policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies 2020 (DMP) and policy CP11 of the Lewes District Local Plan Part 1 - Joint Core Strategy 2010 -2030 (CS), seek to ensure that development is designed to a high standard; maintains the sense of place of individual settlements; and responds sympathetically to the site and its surroundings. Car parking should be appropriate to the context and sensitively located and designed so as not to dominate the public realm.
8. Amongst other things, paragraph 126 of the National Planning Policy Framework (Framework), states that good design is a key aspect of sustainable development. Paragraph 111 of the Framework states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Highway safety

9. The proposed crossover would be three metres wide and the associated hardstanding would be 10 metres deep and in excess of three metres wide. This would be adequate to provide on-site parking for at least one car or other small vehicle as well as pedestrian access to the dwelling. Although not unusual for Fort Road or the locality there would be no space for on-site turning. Notwithstanding this, Fort Road is subject to a 30mph speed limit and forward visibility of the proposed vehicle access from the south along Fort Road would be good. In addition, the proposed dropped kerb would restrict on-street parking immediately to the north of the pedestrian crossing point. Accordingly, if these were the only considerations, the absence of on-site turning facilities would not amount to a reason for dismissing this appeal.
10. However, this is not the end of the matter. As shown on the submitted context photograph and drawing, the proposed crossover would be sited very close to the existing pedestrian crossing point. It would also be in front of part of the northern part of the associated white line within the highway. Due to this close proximity, the use of the proposed crossover would result in safety risks for those standing at or using the pedestrian crossing. Such risks would be particularly high for pedestrians with disabilities such as restricted vision. Due to the close proximity of the proposed crossover and the pedestrian crossing point, pedestrian safety risks would be exacerbated by the absence of on-site turning.
11. As a result of these factors the proposed vehicle crossover would have an unacceptable impact on highway safety. This safety risk would outweigh the benefits for the appellant and their family that would result from the provision

of on-site parking. It is also not a matter that could be satisfactorily addressed through the imposition of conditions.

12. It is acknowledged that there is a wide vehicular crossover at No.2. However, unlike the appeal proposal, that crossover is not located close to the pedestrian point within Fort Road. As such the two schemes are not fully comparable.
13. I conclude on the first main issue that the proposal would have an unacceptable impact on highway safety. It would therefore conflict with DMP Policy DM25, CS Policy C11 and paragraph 111 of the Framework.

Character and appearance.

14. As stated above there are a number of vehicle crossovers along this stretch of Fort Road. This includes the wide crossovers serving the garage and parking area and the retail unit to the south. The crossover at No.2 occupies the majority of the front garden to that property and the flats development opposite has no soft planting to the front of it. Similarly, crossovers that serve commercial and residential properties are a common feature within the wider area.
15. As illustrated on the submitted contextual plan the southern half of the front garden would be laid to lawn and the parking area would both rise gently towards the house and follow the existing ground levels within the front garden. The proposed crossover would be narrower than those to the south and the one serving No.2 and comparable in width to other crossovers along Fort Road. Whilst it is appreciated that the submitted drawing is contextual and not drawn to scale, the above features could readily be dealt with by condition.
16. As a result of these factors, I conclude on the second main issue that the proposed crossover and on-site parking area would respect and blend in appropriately with the character and appearance of the host property, the appeal site and the wider area. In these respects, the proposal would comply with the policies referred to in paragraph 7 above.

Conclusion

17. Whilst I have found in favour of the appellant on various matters and the second main issue, the conclusion on the first main issue represents a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR