



Appeal Decision

Site visit made on 12 December 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/V1260/D/22/3307118

12 Muscliffe Lane, Bournemouth, BH9 3NL

- 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 T Thavaseelan against the decision of BCP Council.
 - The application Ref 7-2022-28171-A, dated 28 April 2022 was refused by notice dated 28 June 2022.
 - The development proposed is formation of new vehicular access from Muscliffe Lane and blocking up of existing vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development as set out in the decision notice as this more concisely describes the proposal.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site comprises a large, detached property on the southern side of Muscliffe Lane and its junction with Cheddington Road. Similar detached properties are to be found throughout the area.
5. The appeal proposal would involve the construction of a new vehicular access at the front of the host property accessing directly onto Muscliffe Lane, together with the blocking up of an existing vehicular access at the rear of the appeal site. As I observed on site, an opening within the frontage to the appeal site has already been created and the area behind this also appears to comprise hardstanding (block pavements).
6. The new access would entail crossing the adjacent pedestrian footpath and grass verge via a new crossover/dropped kerb onto Muscliffe Lane. The new access would be sited a small distance west of the junction of Muscliffe Lane with Cheddington Road and directly opposite the junction of Muscliffe Lane with Strathmore Road. This part of Muscliffe Lane is subject to parking restrictions with double yellow lines running along the frontage of the appeal site (and on its return corner) westwards towards the junction of Muscliffe Lane with Castle Lane West. Similar restrictions apply to the opposite side of Muscliffe Lane. A short distance west of the appeal site is a bus stop. The junction of Muscliffe

Lane with Castle Lane West is also signalised, with dedicated left and right turn lanes.

7. Within the above context, the introduction of a new vehicular access as proposed would give rise to the potential for significant conflicts with other road users. As I observed on site, Muscliffe Lane is a busy road as is its signalised junction with Castle Lane West, where traffic easily backs up from the signals. Drivers attention, whilst approaching this junction from the east, must not only focus on the traffic backing up from these signals, but also the presence of the bus stop, on vehicles exiting adjacent properties from their individual driveways, as well as traffic emerging from the junctions of Muscliffe Lane with both Cheddington Road and Strathmore Road. This layout would in my view create the potential for accidents to occur.
8. I note from the Council's Delegated Report that the Highway Authority (HA) raised similar concerns and that its objection was based on the findings that statistically a greater number of accidents occur at junctions. That statement has not been challenged by the Appellant and is supported by the advice in the Council's Parking Standards Supplementary Planning Document (January 2021). The HA also state that their priority is to ensure that road users safety is improved and not exacerbated. In their capacity as the local highway authority, I attach significant weight to the HA's objection.
9. The Appellant contends that the new access would be justified as an improvement to the existing access/drive from Cheddington Road. The HA disagree and their objection states that they would not support a new access in situations, such as this, where a safer and less obstructive access exists. As I observed on site, the existing rear access/drive is onto Cheddington Road, which is a much quieter side road with less potential conflicts. The Appellant argues that this access has restricted visibility and is constrained by the gates and a drive that is not large enough to accommodate a family car. However, there is no substantive evidence before me, such as a layout plan, to support the Appellants statements. Moreover, there is nothing to suggest that, if the layout were constrained, it could not be improved by altering the existing boundary fence/wall, gates and internal arrangement to enable a family car to park.
10. The Appellant suggest that the existing drive and garage take up a large area of the amenity space to the host property. However, this is not evident from the submitted block plan or the aerial photographs included in the Appellants Statement, which show usable amenity areas to the rear, side and front of the host property well screened by a boundary fence/wall, gates and hedging. Moreover, the fact that some of these areas have been covered with hardstanding would not prevent them from being used or adapted for use as amenity space, if required.
11. Reference has also been made to the number of existing residential drives (accesses) onto Muscliffe Lane. Even so, from my observations on site these appear to have formed part of the original design to this estate and are in locations where the properties did not benefit from rear access, so that off street parking could only be secured with direct access from Muscliffe Lane. The position is different on the appeal site, which, as with similar corner properties in the area, benefits from rear access on the return frontage from where their off-street parking is provided. In this respect, I agree with the HA

that the existing access/drive, even if it needed to be adapted to provide a better layout and visibility, represents a much safer access to that proposed.

12. Accordingly, I find that the proposed access would be harmful to highway safety in that it would give rise to multiple conflicts with existing junctions, other accesses and a bus stop, leading to the increased potential for accidents to occur. There are no other considerations that would mitigate for the harm I have found. For these reasons, the appeal proposal would be contrary to paragraphs 110 b) and 112 c) of the National Planning Policy Framework (July 2021) (Framework), which require applications for new development to incorporate safe and suitable access for all users and to minimise the scope for conflicts.
13. Whilst the Council have referred to policy CS16 of the Bournemouth Local Plan Core Strategy (October 2012) I am not convinced this is relevant in that it deals with parking provision (numbers) to support new development. Similarly, policy CS41 in that it deals with the quality of design and again appears largely irrelevant other than its broad unexplained reference to proposals contributing to the safety of the public realm. Even so, this does not affect my overall findings and the conflict I have identified with the relevant policies of the Framework.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR