



Appeal Decision

Site visit made on 11 January 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23/01/2023

Appeal Ref: APP/C3620/W/21/3288279

Arlington, Rookery Hill, Ashted, KT21 1EG

- 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 Mrs Jamie Hussey against the decision of Mole Valley District Council.
 - The application Ref MO/2021/1016/PLAH, dated 27 May 2021, was refused by notice dated 5 October 2021.
 - The development proposed is a dropped vehicle crossover on the A24 Epsom Road to provide rear access to Arlington.
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Decision

1. The appeal is dismissed

Main Issue

2. This is the effect of the use of the proposed access on highway safety along Epsom Road (A24).

Reasons

3. Arlington has a long back garden which extends up to Epsom Road. The proposal is to allow access for garden maintenance vehicles. No works other than a crossover over the wide grass verge and the formation of pedestrian visibility splays are included in the application.
4. The reference in Policy MOV2 of the Mole Valley Local Plan of 2000 to proposals for major development does not apply. The policy also mentions compatibility with transport infrastructure and the environmental character in the area but there are no specific objections in this respect. Indeed, in dealing with the movement implications of development, the policy makes no mention of safety. It does stipulate that the provision of new accesses onto principal traffic routes will not normally be permitted where access can only be gained from those networks. As the house itself has access from a residential road there would be no direct conflict with this policy. Even though it mentions road safety, Policy MOV5 is concerned with parking standards and is not relevant.
5. Nevertheless, given the status of Epsom Road, a degree of caution should be applied to the acceptance of individual access points. There is a dispute between the parties about how busy this part of the A24 is. The appellant's survey from 2020 showed hourly flows of 515 vehicles northbound and 533 southbound. However, these figures may have been affected by the consequences of the pandemic. Based on their visit, the Safety Audit Team describe traffic flows as "quite high, but free flowing". That corresponds with

my observations made in mid-morning when the road was well used but there were breaks in the streams of traffic at fairly frequent intervals.

6. The Highway Authority's speed survey from 2016 indicates average mean speeds in both directions of almost 41mph. The speed limit past the appeal site is 30mph but changes to 40mph a little way to the north away from Ashted. A fatal accident took place in 2016 very near to the proposed access. However, this involved a motorcycle that had hit a kerb. Whilst serious, a one-off incident such as this does not indicate that providing an access onto this section of the A24 would be intrinsically unsafe.
7. It is estimated that use of the proposed crossover would amount to no more than one return journey per day in the spring and summer and once a week in autumn and winter. These would most likely be outside the peak period. There is no way to control this through the planning system but, in practice, this is the only type of vehicle that would be likely use the proposed access. It is therefore reasonable to assess the proposal on this basis. It can also be assumed that turning movements from the A24 would be evenly divided between vehicles approaching from the north and those from the south.
8. The appellant has demonstrated that a forward visibility envelope in excess of 60m would exist between northbound traffic and the rear of any vehicles turning right into the site. The adjusted sight stopping distance specified in *Manual for Streets* (DfT/DCLG, 2007) for the 85th percentile speed of 37mph is 59m. The County Highway Authority expects minimum forward visibility of 120m for a new access forming a junction with a major road with a 40mph speed limit. Therefore, the proposed position is between the two standards.
9. However, the number of turning movements associated with the proposed access would be few. Vehicles may have to wait for gaps in order to make a right turn but this would be unlikely to be for a lengthy period. As a result any queue of vehicles behind one making this turn would be liable to be short. In any event, drivers travelling northwards should have time and space to register the line of stationary vehicles and to respond accordingly. The curve of the road would not be a significant hindrance in this respect.
10. Nevertheless, this is not a place where the slowing and stopping of vehicles would ordinarily be expected especially as there is no built development to provide a visual clue. As the road is not perfectly straight the possibility of front to rear collisions due to a moment's inattentiveness cannot be discounted. However, given the low usage of the access that would occur, the risks of this happening are slight.
11. No specific provision is made for turning vehicles raising the possibility that they would need to reverse out onto the A24. This is a potentially hazardous manoeuvre given the volume and speed of traffic along Epsom Road and also as it is more difficult for drivers to see the road and the vehicles moving along it when not facing forwards.
12. In theory there is space to turn a vehicle round within the extensive garden. However, no hard surfacing is proposed. The land just inside the grounds of Arlington is uneven and there were the remnants of tree stumps. As such, it is difficult to see that this would be a realistic proposition. The adjoining verge could be used to make a turn but this would be environmentally undesirable as over time the ground would be likely to be churned and spoilt.

13. Another possibility is that vehicles would reverse onto the hard surfaced apron of the crossover. Whilst this would not be a frequent occurrence, it would take longer than turning into the site in forward gear and would be likely to interfere with both lanes of traffic from whichever direction the vehicle approached. The delay would be a mild inconvenience to drivers on the A24 but it would expose those manoeuvring onto the hardstanding and those travelling along the road at the time to potential danger.
14. The Highway Authority does not support an increase in direct accesses serving single dwellings from a main distributor 'A' road but this is not decisive. Other properties to the north have direct accesses onto the A24 and there is no evidence of associated safety issues. However, in this case, the risks connected with potential reversing movements and the slight risk from right turn movements together exceed the threshold specified in the National Planning Policy Framework. There would be an unacceptable impact on highway safety. The safety audit concludes that the access arrangements could not be improved but that does not mean that they would be safe.
15. There is visual evidence that works to the trees within Arlington have taken place without an access onto Epsom Road. No doubt it would have been easier and quicker if any vehicle could have parked closer to where the contractors were working. However, this does not justify permitting an unsafe access.
16. There would be no conflict with the development plan policies cited by the Council. However, material considerations, including the provisions of the Framework, indicate that the proposal should not be permitted.

Other Matter

17. The proposed access would be adjacent to Ashted Park Historic Park and Garden, which is Grade II Listed. The appellant's heritage statement has detailed the development of the Park and the construction of Arlington in the mid-1950s. In the vicinity of the proposed access, the Park has become fragmented from this historic landscape. The small amount of development involved in creating the crossover would have no detrimental impact on the significance of this heritage asset.

Conclusion

18. The proposed access would have an unacceptable impact on highway safety. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR