



Appeal Decision

Site visit made on 11 January 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2023

Appeal Ref: APP/P2114/D/22/3311980

7 Eddington Road, Seaview, Isle of Wight, PO34 5EE

- 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 Andrew Woodhouse against the decision of Isle of Wight Council.
 - The application Ref. 22/01063/HOU, dated 11 June 2022 was refused by notice dated 29 September 2022.
 - The development proposed is formation of 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 accurately 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 semi detached two storey property on the eastern side of Eddington Road. The frontage to the appeal site comprises an area of hardstanding that is enclosed by a predominantly low slatted wooden fence with double gates. The host property also benefits from a rear garden with a large outbuilding backing onto a private lane that provides access to the rear of the appeal site as well as the rear of adjacent properties. The entrance to this private lane is a short distance to the south of the appeal site on Eddington Road. Eddington Road itself is classified as a 'B' road.
5. The appeal proposal would involve the formation of a vehicular access at the front of the host property accessing directly onto Eddington Road. This would enable a car to be parked within the frontage utilising the existing hardstanding and double gates. A charging point would also be provided for an electric vehicle. There is already a white line carriageway advisory marking (on Eddington Road) across the gated entrance to the appeal site.
6. As I observed on site, there is a significant amount of on street parking on the eastern side of Eddington Road, between numbers 1 -23 (odd) Eddington Road. This parking includes allocated 'Disabled' spaces. Apart from what appeared to be off street parking at No.5 & 21 and the use of the frontage to the host for

motorcycle parking referred to in the Appellants evidence, I did not see any other off street parking on this side of the road. The position is different on the western side of the road, where, at the time of my visit, there was no on-street parking. The latter appears to be due in part to the fact that a number of these properties benefit from off-street parking. It was also evident on my visit that this is a busy road and I understand it is one of the main arterial routes on this side of the Island. It is also on a bus route. Whilst the speed limit is restricted to 30mph the on street parking restricts the width of Eddington Road to such an extent that vehicles constantly have to give way to vehicles coming in the opposite direction or drive into gaps in the off street parking, to let vehicles pass. This often leads to vehicles speeding to reduce the amount of time that oncoming vehicles have to wait.

7. Within the above context, the introduction of a new vehicular access as proposed would give rise, in my view, to the potential for significant conflicts with other road users. Drivers attention, in both directions, is constantly focused on oncoming traffic given, as I confirmed above, the restricted carriageway width available due to on street parking. This is exacerbated by its use as a bus route, where there is no designated space/layby for the bus stops found either side of the road to the south of the appeal site. The proposed access would be formed within a location where there is on street parking on either side and therefore very poor visibility creating the potential for accidents to occur and for there to be a danger to not only drivers but also cyclists.
8. The Council contend that the danger to highway users arises not only from on-street parking but also the inability of the new access to comply with highway design standards in relation to the required visibility splays. As well as visibility being obstructed by parked cars, the required visibility splays to the south would rely on third party land that is not within the Appellants control and is not public highway. These findings emanate from the Islands Roads (IR) consultation response (dated 10 August 2022), summarised in the Council's Delegated Report. IR concluded that, for the above reasons, the proposal would be detrimental to highway safety and would interfere with the free flow of traffic. No substantive evidence has been submitted by the Appellant to challenge IR's findings and in their capacity as the local highway authority and as their findings concur with my own observations, I attach significant weight to IR's objection.
9. The Council also contend that as the appeal site already benefits from rear access with parking, the proposal would result in an increase in the number of parking spaces above the requirement in the adopted Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (January 2017) (SPD). That overprovision, they contend, would result from an unnecessary additional vehicle access that would be detrimental to highway safety. I understand the Council's concerns and note that the Appellant states that their existing rear parking is rented from a landowner and is no longer viable. However, there is no evidence before me to support that statement or demonstrate why this parking is no longer viable. Furthermore, there is nothing to indicate whether the Appellant has investigated other options, for example, the ability to adapt the rear of their site for parking to benefit from the safe, convenient and easy access that is currently available from the private lane.

10. The Appellant also contends that they benefit from prescriptive rights to access and park motorcycles on their frontage. However, that is not the proposal that is before me and the existence or not of such rights is not a matter for me to determine in the context of an appeal that seeks planning permission for a new vehicular access submitted under section 78 of the Town and Country Planning Act 1990 (Planning Act). Even so, it remains open to the Appellant to apply under section 191 of the Planning Act to establish the lawfulness or otherwise of the access/parking for motorcycles and the determination of that application would not be affected by my decision on this appeal. As a consequence, neither the alleged existence of such rights nor any personal circumstances or the potential benefit of providing a charging point for an electric vehicle, outweigh the significant harm that I have identified to highway safety.
11. Accordingly, I find that the proposal would result in an unnecessary additional vehicle access onto Eddington Road that would be detrimental to highway safety and would thus be contrary to the aims and objectives of policies SP7 and DM17 of the Island Plan Core Strategy & Development Management Development Plan Document (March 2012) (IOWCS) and the SPD guidance. These policies seek, amongst other requirements, to ensure that new development: complies with SPD guidance and the Island Transport Plan's objective of improving road safety; and avoids negative impacts on the Islands road network. The proposal would also be contrary to paragraphs 110 b) and 112 c) of the National Planning Policy Framework (July 2021) which require applications for new development to incorporate safe and suitable access for all users and to minimise the scope for conflicts.

Conclusions

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

G Roberts

INSPECTOR