



Appeal Decision

Site visit made on 12 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/22/3310056

39 Newport Road, Cowes, Isle of Wight, PO31 7PW

- 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 Phillip Terrell against the decision of Isle of Wight Council.
 - The application Ref. 22/01432/HOU, dated 22 August 2022 was refused by notice dated 12 October 2022.
 - The development proposed is formation of vehicular access to include dropped kerb and driveway.
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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 large, detached three storey Victorian property on the western side of Newport Rad. The frontage to the appeal site comprises a reasonably sized garden that slopes upwards towards the front of the host property and is enclosed, on the road frontage, by the original brick boundary wall that includes two gates and various decorative piers. The surrounding area comprises similar Victorian houses which vary in terms of their size and detailing, mixed with a number of examples of infill redevelopment. Newport Road itself is an 'A' Classified Road with a 30mph speed limit.
5. The appeal proposal would involve the formation of a vehicular access at the front of the host property accessing directly onto Newport Road. This would enable a car parking bay and bin store to be constructed within the front garden as well as a pathway leading to the front door of the host property. A charging point would also be provided for an electric vehicle.
6. The appeal site forms part of a row of traditional Victorian houses on the western side of Newport Road, numbered 39 – 61 (odd), which all have a similar front garden arrangement and boundary walls/piers. As I observed on site, none of these properties have off-street parking and as result this side of the road is heavily parked, with no apparent parking restrictions. On the

eastern side of Newport Road, the position is different with most properties benefitting from off street parking and on street parking restricted by double yellow lines. Newport Road itself is busy and is on a bus route. Vehicles coming in either direction often have to give way due to the restricted width of the road, resulting from on street parking, particularly when larger vehicles or buses are traveling along the road.

7. The Council contend that the danger to highway users arises from the inability of the new access to comply with highway design standards in relation to required visibility splays. Whilst the visibility splay to the north could be secured within the proposed layout, the visibility splay to the south would be deficient. These findings emanate from the Island Roads (IR) consultation response (dated 6 September 2022), which was prepared after a site visit and is summarised in the Council's Delegated Report. IR concluded that with the proposed reduction in the height of the boundary wall to 1.5 metres (as shown on the submitted 'Proposed Plan') a visibility splay of some 18 metres could be secured to the south or potentially 22 metres if the height of the boundary wall was reduced to 0.9 metres, taking into account the land within the Appellants control and highway land. Both proposals would fall well below the required visibility splay of 43 metres and as a result of this significant shortfall IR recommended that the proposal be refused.
8. The IR objection concurs with my own findings and observations on site. Based, therefore, on the evidence before me, the introduction of a new vehicular access as proposed would, in my view, give rise to the potential for significant conflicts with other road users. The significant shortfall in the proposed visibility splay to the south would be compounded by the presence of parked vehicles on this side of the road, which provide a further obstruction to visibility. Combined with the fact that the road is busy, the proposal would create the potential for accidents to occur and for there to be an increased danger to highway users, not only drivers but also cyclists.
9. No substantive evidence has been submitted by the Appellant to challenge the IR findings and in their (IR's) capacity as the local highway authority and as their findings concur with my own, I attach significant weight to the IR objection.
10. Whilst I acknowledge that the Appellant has referred to four examples of individual accesses approved elsewhere on Newport Road, having reviewed the documents on these cases in the appendices to the Appellants Grounds of Appeal and viewed them on site, none of them are, in my view, directly comparable to the appeal proposal in that: they do not relate to same local circumstances that exist on this particular side and stretch of Newport Road (No's 39 – 61 (odd)); in three of the cases IR recommended approval and in the fourth they initially recommended refusal but subsequently recognised that this could not be substantiated due to a previous planning approval for an access; the proposal related to an existing access that was being widened; and, the proposal related to an access that had been used for 10 years and was considered to be lawful.
11. Furthermore, the Appellant has referred to these examples of 'precedents'. However, it is well established practice that all applications must be considered on their individual merits having regard, in particular, to the specific local circumstances of the case and its local context. The latter is the approach that

I have adopted in determining this appeal and consequently none of these examples affect my overall findings.

12. I appreciate that the proposal would secure improved visibility for 37a and 37 Newport Road, to the north, and potentially for the community transport bus that I understand picks up and drops off residents at the special needs home at 41 Newport Road. Whilst these are benefits of the proposal, I would only accord them limited weight and they are not sufficient either individually or cumulatively to mitigate for the significant harm to highway safety. Similarly, there are no other considerations or any personal circumstances of the Appellant that would outweigh the harm that I have identified.
13. Accordingly, I find that the proposed access would be unsatisfactory due to the unacceptable shortfall in visibility which would be detrimental to highway safety. For these reasons, the proposal would be contrary to the aims and objectives of policy DM2 of the Island Plan Core Strategy & Development Management Development Plan Document (March 2012) (IOWCS) insofar as it requires new development to promote an accessible and safe environment. 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

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