



Appeal Decision

Site visit made on 13 February 2023

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01st March 2023

Appeal Ref: APP/Z3635/D/22/3312265

62 Briar Road, Shepperton, Surrey TW17 0HY

- 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 Lewis Keefe against the decision of Spelthorne Borough Council.
 - The application Ref 22/01113/HOU, dated 24 August 2022, was refused by notice dated 25 November 2022.
 - The development proposed is described as 'a dropped kerb to be built at the end of the property where the double gates open out onto the corner of Briar Road/Rosewood Drive. To comprise reinforced concrete at-least 8" thick'.
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Decision

1. The appeal is dismissed.

Reasons

2. The proposed vehicle crossover would allow vehicular access from the side of the appellant's garden across a grass verge onto the adjacent road. Briar Road is a residential road subject to a 30mph speed limit. In accordance with Manual for Streets (MfS), the visibility requirements at an access are 43 metres (m) in either direction, measured 2.4m back from the edge of the carriageway.
3. The proposed access would be on the 3-way junction of Briar Road and Rosewood Road at the apex of a bend in the road. Visibility would be restricted in this location. Sight lines would be further restricted by the adjacent garden wall. Visibility would be around 13.5m which is significantly below the required distances set out in MfS.
4. There are a number of bends in the roads and a cul-de-sac next to No 62. Other evidence with this appeal indicates that the extensive on-street parking that I observed at my site visit is commonplace and that it is more extensive at the opening and closing of the nearby primary school. These factors would be likely to reduce traffic speeds. However, the achievable level of visibility would still fall well below the 22m standards required for a 20mph speed limit.
5. As visibility would be poor in the leading traffic direction, vehicles would emerge into the path of oncoming vehicles with insufficient sight-stopping distance to enable safe braking. Furthermore, there is no provision for turning within the site to allow a vehicle to enter and exit in forward gear, leading to reversing onto and off the highway at a junction. This proposal would lead to an increased risk of vehicle conflict and risks to other road users, including

- pedestrians and cyclists. The location of the primary school on the road and the resulting large number of children travelling through the area adds weight to my concerns.
6. The appellant's steam roller stands within the garden adjacent to the location of the proposed dropped kerb. Although its driver's view of the surrounding road would be more extensive than that from a car due to the higher driving position, the use of the vehicle access could not reasonably be restricted to the use of such vehicles but in any event, I have set out my concerns about reversing vehicles. Furthermore, the vehicular access would remain long after the appellant's interest in the property has ended. The appellant's next-door neighbour has a vehicle crossover directly adjacent to the appeal site. There is no verifiable evidence about the safety of using this access, but in any event, it leads to a large frontage parking area with space for manoeuvring, is on a different part of the junction and it is therefore materially different from the appeal proposal. The vehicular access might well result in one less vehicle parked on a public highway; but the evidence does not overcome the safety concerns. These and other matters raised, including the potential for boosting the local economy do not affect my conclusions.
 7. I concur with the objections of Surrey Highways Authority and the Council. I conclude that the proposal is unacceptable on highway safety grounds. By creating conditions prejudicial to the safety of highway users, the proposal conflicts with Paragraph d) iv and v of Policy CC2 and paragraph c) of Policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) which deal with such matters and are most relevant to this appeal. It would also conflict with the objective of the National Planning Policy Framework to preserve highway safety. Accordingly, the appeal is dismissed.

Elaine Benson

INSPECTOR